



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 108<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 150

WASHINGTON, FRIDAY, SEPTEMBER 24, 2004

No. 117

## House of Representatives

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. PETRI).

### DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,  
September 24, 2004.

I hereby appoint the Honorable THOMAS E. PETRI to act as Speaker pro tempore on this day.

J. DENNIS HASTERT,  
*Speaker of the House of Representatives.*

### PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, King of the Universe, as Jewish brothers and sisters begin their fast of Yom Kippur, may Americans all across this Nation spend some time this weekend in prayer and introspection upon our words and deeds. As we seek Your liberating forgiveness, Lord, may You strengthen our resolve to lead more virtuous lives as Your free people. Help us to find better ways to resolve difficulties and establish peace in this world. This we ask of You, the All Holy God, now and forever. Amen.

### THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

### PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. The Chair will lead the House in the Pledge of Allegiance.

The Speaker pro tempore led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### MESSAGE FROM THE SENATE

A message from the Senate by Mr. Monahan, one of its clerks, announced that the Senate has passed without amendment a bill of the House of the following title:

H.R. 3389. An act to amend the Stevenson-Wylder Technology Innovation Act of 1980 to permit Malcolm Baldrige National Quality Awards to be made to nonprofit organizations.

The message also announced that the Senate has passed a bill and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 2781. An act to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes.

S. Con. Res. 119. Concurrent resolution recognizing that prevention of suicide is a compelling national priority.

### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Under clause 5(c) of rule XX, the Chair announces to the House that, in light of the resignation of the gentleman from Florida (Mr. GOSS), the whole number of the House is adjusted to 433.

### RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 2 o'clock and 3 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1630

### AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. PETRI) at 4 o'clock and 30 minutes p.m.

### SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2781. An act to express the sense of Congress regarding the conflict in Darfur, Sudan, to provide assistance for the crisis in Darfur and for comprehensive peace in Sudan, and for other purposes; to the Committee on International Relations.

S. Con. Res. 119. Concurrent resolution recognizing that prevention of suicide is a compelling national priority; to the Committee on Energy and Commerce.

### ADJOURNMENT

The SPEAKER pro tempore. Without objection, the House stands adjourned until 12:30 p.m. on Tuesday next for morning hour debates.

There was no objection.

Accordingly (at 4 o'clock and 31 minutes p.m.), under its previous order, the House adjourned until Tuesday, September 28, 2004, at 12:30 p.m., for morning hour debates.

### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

9739. A communication from the President of the United States, transmitting a request for a FY 2005 budget amendment for the Department of Energy; (H. Doc. No. 108-219); to the Committee on Appropriations and ordered to be printed.

9740. A letter from the Principal Deputy Under Secretary for Personnel and Readiness, Department of Defense, transmitting

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.



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authorization of the enclosed list of officers to wear the insignia of the grade of rear admiral (lower half) in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

9741. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of General Paul J. Kern, United States Army, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

9742. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement of General Ralph E. Eberhart, United States Air Force, and his advancement to the grade of general on the retired list; to the Committee on Armed Services.

9743. A letter from the Chairman, Board of Governors of the Federal Reserve System, transmitting the Board's semiannual Monetary Policy Report pursuant to Pub. L. 106-569; to the Committee on Financial Services.

9744. A letter from the Secretary, Department of the Treasury, transmitting an annual report to the President and to the Congress on the audit of the Telecommunications Development Fund, pursuant to 47 U.S.C. 614; to the Committee on Energy and Commerce.

9745. A letter from the Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of Navy's Proposed Letter(s) of Offer and Acceptance (LOA) to the Netherlands for defense articles and services (Transmittal No. 04-33), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9746. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting notification concerning the Department of the Army's Proposed Letter(s) of Offer and Acceptance (LOA) to Israel for defense articles and services (Transmittal No. 04-31), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

9747. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses, as required by Section 1705(e)(6) of the Cuban Democracy Act of 1992, 22 U.S.C. 6004(3)(6), as amended by Section 102(g) of the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996, and pursuant to Executive Order 13313 of July 31, 2003, pursuant to 22 U.S.C. 6032; to the Committee on International Relations.

9748. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Germany (Transmittal No. DDTC 061-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9749. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting certification of a proposed license for the export of defense articles or defense services sold commercially under a contract to Australia (Transmittal No. DDTC 069-04), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

9750. A letter from the Acting Assistant Secretary for Legislative Affairs, Department of State, transmitting Pursuant to section 565(b) of the Foreign Relations Authorization Act for FY 1994 and 1995 (Pub. L. 103-236), certifications and waivers of the prohibition against contracting with firms that comply with the Arab League Boycott of the State of Israel, pursuant to Public Law 103-236, section 565(b) (108 Stat. 845); to the Committee on International Relations.

9751. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995; to the Committee on International Relations.

9752. A letter from the Deputy Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergency Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), section 505(c) of the International Security and Development Cooperation Act of 1985, 22 U.S.C. 2349a-9(c), and pursuant to Executive Order 13313 of July 31, 2003, a six-month periodic report on the national emergency with respect to Iran that was declared in Executive Order 12957 of March 15, 1995; to the Committee on International Relations.

9753. A letter from the Deputy Chief, Administrative Law Division, Central Intelligence Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9754. A letter from the Deputy Chief, Administrative Law Division, Central Intelligence Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9755. A letter from the Deputy Chief, Administrative Law Division, Central Intelligence Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9756. A letter from the Chief Executive Officer, Corporation for National and Community Service, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Government Reform.

9757. A letter from the Manager, Human Resources Support Branch, Personal and Family Readiness Division, By direction of Commandant of Marine Corps, Department of the Retirement Plan for Civilian Employees of the United States Marine Corps Personal and Family Readiness Division, and Miscellaneous Nonappropriated Fund Instrumentalities are also furnished, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Reform.

9758. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, and the Office of Management and Budget Memorandum 04-07, the Administration's report on competitive sourcing efforts for FY 2003 and their planned efforts for FY 2004; to the Committee on Government Reform.

9759. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Pratt & Whitney Canada PW206A and PW206E Turbojet Engines [Docket No. 2003-NE-25-AD; Amendment 39-13775; AD 2004-17-03] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9760. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company 65, 90, 99, 100, 200, 300, and 1900 Se-

ries Airplanes [Docket No. 2004-CE-04-AD; Amendment 39-13774; AD 2004-17-02] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9761. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Grob Werke GmbH & Co KG Models G102 CLUB ASTIR III, G102 CLUB ASTIR IIIB, and G102STANDARD ASTIR III Sailplanes [Docket No. 2004-CE-10-AD; Amendment 39-13776; AD 2004-17-04] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9762. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-10 Series Airplanes, Model MD-10 Series Airplanes, and Model MD-11 Series Airplanes [Docket No. FAA-2004-18978; Directorate Identifier 2004-NM-127-AD; Amendment 39-13780; AD 2001-14-08 R1] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9763. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company (GE); CT7-2D1 Turbojet Engines [Docket No. FAA-2004-18758; Directorate Identifier 2004-NE-24-AD; Amendment 39-13763; AD 2004-16-07] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9764. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-3A1 and -3B1 Series Turbofan Engines [Docket No. FAA-2004-18648; Directorate Identifier 2004-NE-26-AD; Amendment 39-13773; AD 2004-15-03R1] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9765. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Models 208 and 208B Airplanes [Docket No. 2002-CE-23-AD; Amendment 39-13772; AD 2004-17-01] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9766. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; General Electric Company CF34-3A1 and -3B1 Series Turbofan Engines [Docket No. FAA-2004-18648; Directorate Identifier 2004-NE-26-AD; Amendment 39-13773; AD 2004-15-03R1] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9767. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 767-200, -300, and -300F Series Airplanes [Docket No. 2002-NM-186-AD; Amendment 39-13768; AD 2004-16-12] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9768. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Eurocopter France Model AS-365N2, AS EC 155B, EC155B1, SA-

365N and N1, and SA-366G1 Helicopters [Docket No. FAA-2004-18850; Directorate Identifier 2004-SW-19-AD; 39-13771; AD 2004-16-15] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9769. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Cessna Aircraft Company Models 172R, 172S, 182S, 182T, T182T, 206H, and T206H Airplanes [Docket No. 2004-CE-03-AD; Amendment 39-13752; AD 2004-15-18] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9770. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; The New Piper Aircraft, Inc. Model PA-46-500TP Airplanes [Docket No. 2003-CE-52-AD; Amendment 39-13753; AD 2004-15-19] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9771. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F27 Mark 100, 200, 300, 400, 500, 600, and 700 Series Airplanes [Docket No. 2002-NM-302AD; Amendment 39-13751; AD 2004-15-17] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9772. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. 2002-NM-344-AD; Amendment 39-13750; AD 2004-15-16] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9773. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations)Limited (Jetstream) Model 4101 Airplanes [Docket No. 2001-NM-270-AD; Amendment 39-13740; AD 2004-15-06] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9774. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Fokker Model F28 Mark 0070 and 0100 Series Airplanes [Docket No. 2002-NM-280-AD; Amendment 39-13742; AD 2004-15-08] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9775. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas Model DC-9-81 (MD-81), DC-9-82 (MD-82), DC-9-83 (MD-83), DC-9-87 (MD-87), and Model MD-88 Airplanes [Docket No. 2002-NM-215-AD; Amendment 39-13747; AD 2004-15-13] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9776. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330-202, -203, -223, and -243 Airplanes, and A330-300 Series Airplanes [Docket No. 2003-NM-272-AD; Amendment 39-13746; AD 2004-15-12] (RIN:

2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9777. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Rolls-Royce plc RB211 Trent 800 Series Turbofan Engines [Docket No. 2003-NE-38-AD; Amendment 39-13736; AD 2004-15-02] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9778. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 737-200, -200C, -300, -400, and -500 Series Airplanes [Docket No. 99-NM-78-AD; Amendment 39-13738; AD 2004-15-04] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9779. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Saab Model SAAB SF340A Series Airplanes [Docket No. 2002-NM-319-AD; Amendment 39-13744; AD 2004-15-10] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9780. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. (EMBRAER) Model EMB-135 and -145 Series Airplanes [Docket No. 2004-NM-47-AD; Amendment 39-13754; AD 2004-15-20] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9781. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-401, AT-401B, AT-402, AT-402A, AT-402B, AT-501, AT-502, AT-502A, AT-502B, AT-503A, AT-602, AT-802, and AT-802A Airplanes [Docket No. 2004-CE-05-AD; Amendment 39-13749; AD 2004-15-15] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9782. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-101, -102, -103, -106, -201, -202, -301, -311, and -315 Airplanes [Docket No. 2003-NM-285-AD; Amendment 39-13743; AD 2004-15-09] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9783. A letter from the Program Analyst, FAA, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A310 Series Airplanes [Docket No. 2003-NM-279-AD; Amendment 39-13741; AD 2004-15-07] (RIN: 2120-AA64) received September 22, 2004, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

9784. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notice of the completion of negotiations and signed subsidiary agreements to the amended Compacts of Free Association with the Republic of the Marshall Islands (RMI) and the Federated States of Micronesia (FSM) with regard to the future United States provision of disaster assistance, pursuant to Public Law 108-188, sec-

tion 105(f)(1)(A)(iii); jointly to the Committees on International Relations and Resources.

9785. A letter from the Principal Deputy Under Secretary for Policy, Department of State, transmitting a report, prepared on behalf of the President, on progress in Kosovo toward achieving militarily significant benchmarks during the period July 1 to December 31, 2003, pursuant to Public Law 106-398, section 1212(c); jointly to the Committees on Armed Services, International Relations, and Appropriations.

## REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SENSENBRENNER: Committee on the Judiciary. H.R. 4077. A bill to enhance criminal enforcement of the copyright laws, to educate the public about the application of copyright law to the Internet, and for other purposes; with an amendment (Rept. 108-700). Referred to the Committee of the Whole House on the State of the Union.

## PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. HASTERT (for himself, Mr. DELAY, Mr. BLUNT, Ms. PRYCE of Ohio, Mr. HOEKSTRA, Mr. HUNTER, Mr. YOUNG of Florida, Mr. SENSENBRENNER, Mr. HYDE, Mr. TOM DAVIS of Virginia, Mr. OXLEY, Mr. DREIER, Mr. COX, Mr. THOMAS, Mr. NUSSLE, Mr. BOEHNER, and Mr. SMITH of New Jersey):

H.R. 10. A bill to provide for reform of the intelligence community, terrorism prevention and prosecution, border security, and international cooperation and coordination, and for other purposes.

By Mr. WAXMAN (for himself, Mr. LEWIS of California, Ms. LINDA T. SANCHEZ of California, Mr. LANTOS, and Ms. WATSON):

H.R. 5147. A bill to designate the facility of the United States Postal Service located at 23055 Sherman Way in West Hills, California, as the "Evan Asa Ashcraft Post Office Building"; to the Committee on Government Reform.

By Mrs. MILLER of Michigan (for herself, Mr. TOM DAVIS of Virginia, Mr. SHAYS, and Mr. CARTER):

H.R. 5148. A bill to provide improved security for driver licenses and State identity documents; to the Committee on Government Reform, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER:

H.R. 5149. A bill to reauthorize the Temporary Assistance for Needy Families block grant program through March 31, 2005, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHAYS (for himself and Mrs. MALONEY):

H.R. 5150. A bill to reform the intelligence community and the intelligence and intelligence-related activities of the United

States Government, and for other purposes; to the Committee on Intelligence (Permanent Select).

### MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

426. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 770 memorializing the United States Department of Agriculture to reconsider its recent policy change relating to Pennsylvania's Nutrition Education Program (PA NEP); to the Committee on Agriculture.

427. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 829 memorializing the Congress of the United States to award the Congressional Medal of Honor to Major Richard D. Winters; to the Committee on Armed Services.

428. Also, a memorial of the Legislature of the State of California, relative to Senate Joint Resolution No. 20 memorializing the Congress of the United States to disapprove the rule submitted by the Office of the Comptroller of the Currency relating to bank activities and regulations published at 69 Federal Register 1895 (January 13, 2004), so the rule will have no force or effect, and if necessary, consider legislation that will prevent the unilateral expansion of jurisdiction over financial institutions by federal regulators without the specific endorsement of the elected representatives of the United States Congress; to the Committee on Financial Services.

429. Also, a memorial of the House of Representatives of the Commonwealth of Pennsylvania, relative to House Resolution No. 822 memorializing the President and Congress of the United States to amend the Omnibus Crime Control and Safe Streets Act of

1968 to expand the definition of firefighter to include apprentices and trainees, regardless of age or duty limitations; to the Committee on the Judiciary.

### ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 935: Mr. CROWLEY.  
H.R. 1214: Mr. OLVER.  
H.R. 3558: Mr. GOODLATTE.  
H.R. 3859: Mrs. LOWEY.  
H.R. 4026: Mr. MORAN of Virginia.  
H.R. 4399: Mrs. MALONEY and Mr. CROWLEY.  
H.R. 4595: Mrs. NAPOLITANO.  
H.R. 4610: Mr. GRAVES.  
H.R. 4653: Mr. PAUL.  
H.R. 4956: Mr. HOFFEL and Mr. OWENS.  
H.R. 5124: Mr. RENZI.  
H.R. 5135: Mr. CASE and Mr. BLUNT.  
H. Res. 768: Ms. MCCOLLUM, Mr. KIRK, Mr. BURTON of Indiana, Ms. MILLENDER-MCDONALD, Mr. WELLER, Mr. BALLENGER, Mr. KING of New York, Mr. MEEHAN, and Mr. MCGOVERN.

### DISCHARGE PETITIONS

Under clause 2 of rule XV, the following discharge petition was filed:

Petition 11. September 21, 2004, by Ms. LEE, on House Resolution 748, was signed by the following Members: Ms. Barbara Lee, Bernard Sanders, Michael E. Capuano, Stephen F. Lynch, Alcee L. Hastings, Kendrick B. Meek, John W. Olver, Michael R. McNulty, Anna G. Eshoo, Dale E. Kildee, Diana DeGette, Leonard L. Boswell, Chris Bell, Brad Sherman, Eddie Bernice Johnson, Rosa L. DeLauro, Bill Pascrell, Jr., Hilda L. Solis, Ellen O. Tauscher, Raúl M. Grijalva, Karen McCarthy, David Scott, Tammy Baldwin, Albert Russell Wynn, Diane E. Watson, Louise

McIntosh Slaughter, Julia Carson, Jim McDermott, Susan A. Davis, Danny K. Davis, Jane Harman, James R. Langevin, Lois Capps, Grace F. Napolitano, Joe Baca, Ted Strickland, Carolyn B. Maloney, Tim Ryan, Ken Lucas, Janice D. Schakowsky, Ben Chandler, Stephanie Tubbs Jones, Sherrod Brown, Lynn C. Woolsey, Nick J. Rahall II, Betty McCollum, Martin T. Meehan, Thomas H. Allen, Donald M. Payne, Nydia M. Velázquez, Timothy H. Bishop, James P. McGovern, John Conyers, Jr., Henry A. Waxman, Wm. Lacy Clay, John F. Tierney, Robert Wexler, Peter A. DeFazio, Rush D. Holt, John B. Larson, Artur Davis, Charles A. Gonzalez, G. K. Butterfield, Linda T. Sánchez, Sheila Jackson-Lee, Melvin L. Watt, Elijah E. Cummings, Rick Larsen, Michael M. Honda, Richard A. Gephardt, Xavier Becerra, William D. Delahunt, Rahm Emanuel, Michael H. Michaud, Carolyn McCarthy, Martin Olav Sabo, Nancy Pelosi, Denise L. Majette, Barney Frank, Stephanie Herseth, David E. Price, Zoe Lofgren, Bart Stupak, Bob Etheridge, Ciro D. Rodriguez, Jerrold Nadler, Dennis J. Kucinich, Robert A. Brady, Vic Snyder, Patrick J. Kennedy, Jim Matheson, Mike Ross, Adam B. Schiff, Steve Israel, Bob Filner, Carolyn C. Kilpatrick, Mike Thompson, Darlene Hooley, Steven R. Rothman, Steny H. Hoyer, Ed Case, Shelley Berkley, Nick Lampson, Rubén Hinojosa, Ron Kind, Maxine Waters, Tom Lantos, Gregory W. Meeks, Gene Green, Silvestre Reyes, Lane Evans, Edward J. Markey, Michael F. Doyle, James E. Clyburn, Chris Van Hollen, John Lewis, Charles B. Rangel, Edolphus Towns, Robert C. Scott, James L. Oberstar, Jim Cooper, Frank Pallone, Jr., Joseph M. Hoeffel, Bobby L. Rush, Juanita Millender-McDonald, Major R. Owens, Corrine Brown, Lloyd Doggett, Jesse L. Jackson, Jr., Marcy Kaptur, Robert E. Andrews, Howard L. Berman, Mike McIntyre, John D. Dingell, Martin Frost.



United States  
of America

# Congressional Record

PROCEEDINGS AND DEBATES OF THE 108<sup>th</sup> CONGRESS, SECOND SESSION

Vol. 150

WASHINGTON, FRIDAY, SEPTEMBER 24, 2004

No. 117

## Senate

The Senate met at 10:04 a.m. and was called to order by the Honorable GORDON H. SMITH, a Senator from the State of Oregon.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

O God our shield, the giver of victory and honor, shine on us with Your kindness and bring us the rich harvest of joy. Lord, through many dangers You have brought us and we would not be guilty of ingratitude. Thank You for the catastrophes that haven't happened, for the unseen angels who have guarded our land and those we love. Help us to remember that all efforts to defend ourselves will fail without Your sovereign will and loving providence. May we not place our trust only in our ingenuity and courage, but instead lean on You, the Lord our God.

Today guide us with Your gentle spirit and lead us to right paths. Bless our lawmakers. May they trust You completely and permit You to clear the road ahead. Train them in Your school of humility so they will walk safely and never stumble. Give them the wisdom to obey Your teachings so they will live long and prosper.

We pray this in Your Holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable GORDON H. SMITH led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. STEVENS).

The assistant clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, September 24, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable GORDON H. SMITH, a Senator from the State of Oregon, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

Mr. SMITH thereupon assumed the Chair as Acting President pro tempore.

### RECOGNITION OF THE ACTING MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The assistant majority leader is recognized.

### SCHEDULE

Mr. MCCONNELL. Mr. President, this morning, the Senate will be in a period for morning business to accommodate several Members who have statements to make. I do not anticipate a long session today, and once we complete our business, we will adjourn until Monday. As we announced last night, no rollcall votes will occur during today's session of the Senate.

As a reminder to Senators, on Monday we will begin consideration of the intelligence reform bill. No rollcall votes will occur on Monday. However, we anticipate that amendments will be offered and debated during Monday's session. Any votes ordered with respect to those amendments will occur Tuesday morning. Therefore, Senators can expect the next vote or votes to occur sometime Tuesday morning. As always, we will notify our colleagues as any votes are ordered.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

### RECOGNITION OF THE ACTING MINORITY LEADER

The ACTING PRESIDENT pro tempore. The assistant Democratic leader is recognized.

### ORDER OF PROCEDURE

Mr. REID. Mr. President, we have two Senators on our side who wish to speak: Senator WYDEN for 10 minutes and Senator DORGAN. On behalf of Senator DORGAN, I ask unanimous consent that he be allowed to speak for up to 40 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, we have at least one Senator who would like to speak on this side who should be here shortly.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. DOLE). Without objection, it is so ordered.

### TRADE

Mr. DORGAN. Mr. President, I was intending to speak earlier this week on the subject of trade, but because of the Senate schedule I decided to wait until today, when we don't have Senate business that would require votes.

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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Before I get to the subject of trade, I first want to mention that this morning in the Congressional Daily, there is a lead story that says:

Growing GOP resistance might doom farm money in homeland funding bill.

It says here that House Republican leaders are digging in against a package of drought assistance that Senators added to the Homeland Security appropriations bill.

The House Republican leaders say that the drought amendment doesn't have a head of steam.

I am wondering how is it these leaders seem to think that spending is very important when it comes to funding the reconstruction of Iraq—which ran through here like a big old truck in fifth gear—but when it comes to spending here at home to help people, in this case helping family farmers through a real tough time, they say we don't know that we can do that. They are going to dig in our heels.

The Senate passed disaster relief for farmers. We also supported disaster relief for the victims of hurricanes. I have never in all the time I have been in Congress opposed disaster relief for those who have been victims. It seems to me, whether it is the fury of a hurricane that hits your area or drought or some other act of nature or God, when people are victimized, the rest of this country will extend its hands and say, you are not alone, we want to help. And we have always done that.

For those poor folks in Florida and the rest of the Southeast who have been hit by hurricane after hurricane, we have a responsibility to help them and we did and we will. We will do more. But it is also the case, for example in my State, where torrential rains meant that 1.7 million acres of ground couldn't even be planted and family farmers who rely on that planting to make a living will lose their opportunity and perhaps lose their farm if they don't get help. In August there was a freeze, and that freeze dramatically injured crops. And there was a drought in the southeast part of my State, where between January and July they received 2.2 inches of moisture in 6 months, and they too need some hope.

So when we pass disaster assistance, whether it is for the hurricane victims or for those in agricultural areas that suffer weather-related disasters, and then we hear that there is opposition to this by the GOP in the House of Representatives, I ask myself this: Why is it that they are so anxious to help everybody except the people in this country?

I offered an amendment last year on the floor of the Senate to strip about \$20 billion out of the bill for Iraq reconstruction which the President sent to us. That was the single largest cut in spending proposed on the floor of the U.S. Senate last year. Why did I offer that amendment? Because the President said, let's spend this money for reconstructing Iraq, when, in fact, Iraq has plenty of money to reconstruct

itself. Iraq has the second largest reserves of oil in the world. It is perfectly capable, especially with oil prices where they are. Iraq is now pumping slightly less than 3 million barrels a day—about 2.5 million. But they clearly have the capability to pump oil and sell the oil and raise the money to reconstruct themselves.

Instead, what we have is a roads program in Iraq paid for by the American people; we have an education program in Iraq paid for by American taxpayers; we have a jobs program in Iraq paid for by American taxpayers; we have a health care program for Iraq paid for by American taxpayers. You name it, We have all of these programs in Iraq paid for by us, the American taxpayers. The supporters of that bill were rushing to get that through the Congress and couldn't get it through quickly enough.

Now when some folks in this country are hurting and we pass a disaster relief bill to say, you are not alone, we want to give you some help, we have the GOP leaders in the House saying, you can't do that. Why not? That is investing here at home, at least. You were so quick to rush \$20 billion to Iraq to reconstruct Iraq; how about returning some money to help those family farmers who have suffered weather-related disasters?

This isn't over. There is going to be a big fight. If that is the attitude of other side, we are going to have a big fight about this because we owe it to those producers across the country who live on the land, who go to the fields in the morning alone to plow with nothing but hope that somehow things will work out. When they have weather-related disasters, they too need some help. They too deserve our help. So this is going to be a big fight.

We are not going to sit idly by and have GOP leaders in the House say that this isn't going to happen. It is going to happen one way or the other. We are going to make this happen. If we can spend nearly \$20 billion on reconstruction in Iraq, this country can surely open up its pocketbook and provide some much needed help for family farmers in a significant part of this country who have suffered weather-related disasters. That is a fact.

#### INTERNATIONAL TRADE

Mr. DORGAN. Mr. President, I wanted to come to the Senate floor to speak about international trade, a subject about which I've spoken many times before.

I have just finished reading a book by Lou Dobbs. It is a quite remarkable book. And I wanted to share some of its observations with my colleagues.

At the outset, let me say that Lou Dobbs describes himself in this book as a lifelong Republican. This issue of trade is not the ideas of one political party or the other; the book is about a failed trade strategy which undermines the strength of this country by shifting

American jobs overseas. The title of his book is "Exporting America: Why Corporate Greed is Shipping American Jobs Overseas."

Lou Dobbs has been vilified for writing this book. But it is a rare and wonderful book. I am not in the business of selling anybody's books, but to those who are interested in this issue of what is happening to American jobs, who are interested in what is happening with our trade strategy, this is a good book to read.

We have lost nearly 2 million private sector jobs in this President's term, a fair amount of it to outsourcing. The outsourcing issue is one we need to explore in some depth.

I offered an amendment on the Senate floor not long ago. It says, let us eliminate out of our tax system incentives for American companies to shift their jobs overseas. If companies decide to ship jobs overseas, we ought not give them a tax break. That makes no sense at all.

Now, on page 19 of this book, Mr. Dobbs writes:

... American multinational companies that are outsourcing and offshoring are also essentially firing their customers. India can provide our software; China can provide our toys; Sri Lanka can make our clothes; Japan can make our cars. But at some point we have to ask, what will we export? At what will the Americans work? And for what kind of wages? No one I've asked in government, academia, or even the private sector has been answering those questions.

On page 31, Mr. Dobbs says:

Big business is saying that all we need to do to become the most competitive nation on Earth is to cut wages, throw out our environmental, worker safety, investor protection, product liability, and consumer laws, and eliminate corporate tax obligations altogether—and while we're at it, let's repeal those unfriendly antitrust laws. There's no doubt the result would be sharply lower wages and higher profits, but the result would also be a plummeting standard of living and the shattering of the American dream.

For writing a book that expresses a radical thought that we ought to be standing up for American jobs and try to find ways to stop shipping American jobs overseas, Mr. Dobbs has been wildly vilified.

The executive director of the Business Roundtable says this of Mr. Dobbs:

It's as if whatever made Linda Blair's head spin around in *The Exorcist* had invaded the body of Lou Dobbs and left him with the brain of Dennis Kucinich.

That's from John Castellani, executive director of the Business Roundtable. It is such a colorful quote. But it isn't even original. Daniel Henninger of the Wall Street Journal had written those same words about Lou Dobbs just 2 months earlier.

Let me share a few other of Mr. Dobbs' observations. One of the points he makes, which I have also made on the floor of the Senate often, is that the actual rules of trade are now being set by corporations. They have no allegiance to nations, much less individual communities or towns. They certainly

have no allegiance to government. And the corporations set the rules of trade. Mr. Dobbs says:

Corporations have overwhelmed governments in the borderless global economy. And corporate logos in many cases have more powerful symbolic importance than national flags. In part, that's because more than half of the largest 100 economies in the entire world are corporations.

Mr. Dobbs in his book used figures from the year 2000 to come up with his conclusions. At the time, Wal-Mart was equivalent to the 25th largest economy in the world. I have actually looked at the figures from 2003. What you see is that Wal-Mart, when you compare countries and corporations by size, is number 20 in the world. Wal-Mart is bigger than Austria, Indonesia, Sri Lanka, Saudi Arabia, Pakistan, Turkey, Denmark, and Poland, to name a few. But, then, the list of top 100 economies also includes ExxonMobil, so is General Motors, Royal Dutch/Shell, Ford Motor, DaimlerChrysler, and dozens of other corporations.

On page 40 of his book, Lou Dobbs says this:

We might begin by reminding our business leaders and politicians that Americans want to be regarded as citizens, not just consumers, and that they need to see this country of ours first as a nation, not [just] a marketplace.

It seems to me it is a good starting point for this discussion. There is so much effort these days to outsource almost everything, not understanding that it begins to diminish and erode the basic economic strength of our country.

Forty state governments are now outsourcing what were American jobs.

Again, this is from Mr. Dobbs's book.

The state of Indiana's Department of Workforce Development is responsible for helping out of work Indiana citizens find jobs. Ironically, the department awarded a \$15 million contract to update its computers to a firm in Bombay, India. The project would have provided employment to sixty-five workers coming from India on L-1 visas.

Why would they do that? Because of the millions of dollars it would save. But I expect the taxpayers of Indiana would have preferred their tax dollars be used to help those who are out of work in Indiana.

Again, this is quoting Lou Dobbs:

Only after a loud public outcry did the governor of Indiana cancel the contract.

A recent survey found that 40 States plus the District of Columbia have food stamp help desks that use operators in foreign countries.

In January of 2004, the Times of India ran a story with this headline: "Silicon Valley Falls to Bangalore." It says:

BANGALORE: The inevitable has happened. Bangalore, which grew under the shadow of America's Silicon Valley over the last two decades, has finally overtaken its parent.

Today, Bangalore stands ahead of Bay Area, San Francisco and California, with a lead of 20,000 techies, while employing a total number of 150,000 engineers.

Service jobs are being exported from this country. It is true in almost every single area.

Massachusetts General Hospital had a firestorm on its hands when it was learned that the hospital was sending x rays and MRIs to India for examination, even though it is illegal for technicians in India to diagnose U.S. patients. And even though Medicare does not pay for work done outside the United States, hospitals have found a way around that. They just have an American doctor do a cursory review of the work and then sign off on it.

This again is from Lou Dobbs's book.

Recently, we had a statement by Mr. Greg Mankiw, who is the head of domestic policy, the top economist in the Bush administration, that caused a great deal of consternation. He said that this administration supports outsourcing.

Lou Dobbs, I think correctly, points out in his book that both Democratic and Republican administrations have done very little to address these issues and, in fact, in many cases have made them worse. So this is not about one party or the other. Neither political party, in my judgment, has developed a set of policies that would address this. I think both political parties have largely been silent on this issue or have done things that have made this problem worse.

But the current administration has said that outsourcing is really a good policy. In February, the Los Angeles Times reported that the administration, the White House, was endorsing outsourcing.

This is what Lou Dobbs had to say about Mr. Mankiw. He said:

A number of people on Capitol Hill thought Mankiw should have resigned, but I disagreed. On my broadcast . . . I called for the President to fire him. Not merely because I obviously disagreed with him, but because Mankiw's statement raised the administration's support of overseas outsourcing to a declaration of government policy.

To drive home the point, Mr. Mankiw, the chairman of the President's Council of Economic Advisers, told reporters that the President plainly supported shifting jobs overseas, provided those jobs could be done more cheaply overseas. This is what Mr. Mankiw said to reporters:

Outsourcing is just a new way of doing international trade.

More things are tradable than were tradable in the past. And that's a good thing.

Maybe we will outsource a few radiologists. What does that mean? Well, maybe the next generation of doctors will train fewer radiologists and will train more general practitioners or surgeons. . . . Maybe we have learned that we don't have a comparative advantage in radiologists.

And the President's report said this about outsourcing:

One facet of increased services trade is the increased use of offshore outsourcing in which a company relocates labor-intensive service industry functions to another country.

In fact, the President's report says when it comes to trade, white-collar jobs should be no different from manufacturing jobs.

Well, after many of us raised some real questions about this, including Lou Dobbs, the White House spokesman, Scott McClellan said:

We certainly don't want to do anything that would undermine free trade.

Mr. Dobbs concludes: I believe this is a declaration of Government policy with respect to outsourcing.

So this is what is happening in the private sector with respect to the outsourcing of jobs.

The Wall Street Journal ran a feature article that I read some while ago that was interesting to me. It was an article on IBM's outsourcing practices. It described internal company memos which described a strategy to systematically outsource American jobs overseas.

This is from an IBM memo. It says: "Do not be transparent regarding the purpose/intent" and cautions that the "Terms 'On-shore' and 'Off-shore' should never be used." The company expects to shift about 3,000 jobs from the U.S. overseas. So they advise managers on how to communicate the news to the affected employees. The memo says that anything written to employees should first be "sanitized" by human resources and communications staffers.

The plan IBM had, according to the Wall Street Journal, would move jobs from U.S. locations, including Connecticut, New York, North Carolina, and Colorado. It would transfer them to India, to China, and to Brazil. It says:

Some of the foreign programmers will come to the U.S. for several weeks of on-the-job training by the people whose jobs they will take over.

That's an aspect of offshoring that many high-tech workers regard as particularly humiliating.

So this internal memo directs managers to say this to workers about to lose their jobs:

This action is a statement about the rate and pace of change in this demanding industry. . . . It is in no way a comment on the excellent work you have done over the years.

So see you later. We are going to move your job to India or China or Brazil. Thank you. You have done excellent work. The fact that you have lost your job is in no way a comment on the excellent work you have done.

Now, what are our trade officials doing about this? I will tell you what—they are trying to facilitate even more outsourcing, by enabling corporations to use even cheaper overseas labor.

Let me review some of the trade agreements we have been doing recently. Let me talk about CAFTA, the Central American Free Trade Agreement. This would integrate our economy with that of El Salvador, among others.

This is from a recent news story, describing how El Salvador is scarred by child labor. Subsistence work in sugarcane fields leads to injuries, continuing poverty.

Jesus Franco, 14 years of age, has scars crisscrossing his legs from his ankles to his



thighs and more on his small hands. For more than half of his young life, he has spent long days cutting sugarcane. He has the machete scars to prove it, and so do his four sisters, age 9 to 19. His story is repeated countless times across Latin America, where children even younger than he are found working in cane fields at subsistence wages, \$75 a month, which isn't even enough to pay for basic food needs.

So we are now going to integrate our economies with those of El Salvador, Guatemala, Honduras, and Costa Rica in a Central America Free Trade Agreement and set up our sugar producers for failure. That is what this is about, among other things.

Let me tell you about some kids who came to a hearing we had, who were working in a factory overseas producing rugs. These were kids who were locked in the factories, young kids 10, 11, 12 years old, producing carpets and rugs. We discovered that some of them had gun powder put on the tips of their fingers, and then it was lit so that it would burn the tips of their fingers and create big scars on all their fingertips. They did that so that when these young kids were sewing with needles, when they stuck their fingers, it wouldn't hurt because they had been scarred by the burns. Young kids with scarred fingers using needles to produce carpets to be sent to our stores. Free trade? Hardly.

Let me give some other examples. I have spoken often about Huffy bicycles. They were made in Ohio, manufactured in a plant by people who made \$11 an hour and were proud of their jobs. Huffy bicycles were 20 percent of the American marketplace for bicycles. They were sold in Sears and Wal-Mart and K-Mart. Huffy bicycles had a decal on the front of the American flag.

Well, Huffy bicycles aren't made in the United States anymore. They are made in China. They closed the plant, fired the workers, and said: \$11 an hour is too much for workers in Ohio who make bicycles. We will make them in China. And, by the way, the last job was to take the flag decal off the bike and replace it with a decal of a globe. Now Huffy bicycles, if you buy them, are made in China, made by people who work for 33 cents an hour. They work 12 to 14 hours a day, 7 days a week. Should we compete with that? Can we compete with that, with kids and others making 33 cents an hour? Huffy bicycles are gone. The people in Ohio who made them were fired. And Chinese workers now work 7 days a week at 33 cents an hour to make Huffy bicycles.

Another American company that moved its production overseas is Radio Flyer. They made the little red wagons. Everybody has ridden in a little red wagon. It was American for 100 years. This is pure Americana, except Radio Flyer is not made here any longer. After 100 years, the jobs of the American people who made the little red wagon are gone. The workers were fired. The jobs moved to China for low labor costs.

The list goes on and on. Fig Newton cookies. That is an all-American cookie. Every kid grew up with a Fig Newton cookie someplace on the shelf. But Fig Newton cookies are now made in Mexico. So when someone says to you, let's have some Mexican food, you can say: How about Fig Newtons. They left the United States. The people who made them are out of jobs.

The list goes on and on and on. The question is, Where will it end and when will it end? Should American workers be asked to compete with a 14-year-old working in a sugar field for subsistence wages? Should American workers in a textile plant be asked to compete with a 9-year-old kid who has gun powder burns on his or her fingertips to spare them the pain of the stabbing of needles when they make the carpets? Should an American worker be asked to compete with someone who makes 33 cents an hour working in a plant in China making bicycles or Radio Flyer little red wagons?

Let me describe the plight of a young woman in China and describe the circumstances under which we are asked to compete these days by those who want to find the lowest wages available on the face of the Earth and fatten profits, even while they diminish the standard of living. This is a story from the Washington Post. It is entitled "Worked Till They Drop. Few Protections for China's New Laborers."

This picture is of a girl named Li Chunmei.

It reads:

On the night she died, Li Chunmei must have been exhausted.

Co-workers said she had been on her feet for nearly 16 hours, running back and forth in the Bainan Toy Factory, carrying toy parts from machine to machine. This was the busy season before Christmas when orders peaked from Japan and the United States for the factory's stuffed animals.

Long hours were mandatory, and at least two months had passed since Li and the other workers had enjoyed even a Sunday off.

Lying on her bed that night, staring at the bunk above her, the slight 19-year-old complained she felt washed out. The factory food was so bad, she said, she felt as if she had not eaten at all. "I want to quit," one of her roommates . . . remembered her saying. "I want to go home."

Her roommates had already fallen asleep when Li started coughing up blood. They found her in the bathroom a few hours later, curled up on the floor, moaning softly in the dark, bleeding from her nose and mouth. Someone called an ambulance, but she died before it arrived.

The exact cause of her death remains unknown. But what happened to her last November in this industrial town in southeastern Guangdong Province is described by family, friends, and co-workers as an example of what China's more daring newspapers call . . . "over-work death."

The story of her death highlights labor conditions that are the norm for a new generation of workers in China, tens of millions of migrants who flock from the nation's impoverished countryside to its prospering coast.

The question for this country is, Do we want to ask the American consumer

to compete against companies that work a young girl to death, that put a young boy in a cane field with scars on his legs and arms, or put a young child in a factory making carpets? Is that what we want to ask our economy to do? Clearly that is importing low wages to this country. It is not just exporting American jobs, it is importing low wages.

I want to turn for a moment to a Nobel prize-winning economist named Paul Samuelson. I studied Samuelson in college.

Samuelson wrote the textbook on economics. If you went to college in the last 30, 40 years, you studied Samuelson. Professor Paul Samuelson is now 89 years old.

I have such respect for this man, Paul Samuelson. He has, just this month, started weighing in, at age 89, on the issue of outsourcing.

He has always been a free trader, a believer in Ricardo and the doctrine of comparative advantage, and Adam Smith. You know, the common sense notion that if you can produce the textiles in England—the sheep and the wool and the textiles—and you can raise the grapes in Portugal to produce the wine, it makes good sense for England to trade the textiles for the wine, and the English can drink and the Portuguese can wear wool. That is the trade we have all learned in textbooks—classic economics, the doctrine of comparative advantage.

The New York Times reports, however, that Paul Samuelson is rethinking the effects of outsourcing.

At 89, Paul Samuelson, the Nobel Prize-winning economist and professor emeritus at MIT, still seems to have plenty of intellectual edge and the ability to antagonize and amuse. His dissent from mainstream economic consensus about outsourcing and globalization will appear later this month in a distinguished journal, cloaked in clever phrases and theoretical equations, but clearly aimed at the orthodoxy in his profession.

I will give you a couple quotes:

Being able to purchase groceries 20 percent cheaper at Wal-Mart does not necessarily make up for the wage losses.

If you don't believe that outsourcing changes the average wages in America, then you believe in the tooth fairy.

That is Paul Samuelson, speaking today.

The fact is, when we talk about the issue of trade and fair trade, for some reason, we have just lost common sense.

Let me describe our trade with Korea in the area of automobiles. In 2003, we imported from Korea 692,000 cars. Guess how many American cars we sold in Korea? We sold 3,800. I will say that again. Ships brought Korean cars here, nearly 700,000 of them, and we were able to sell not quite 4,000 cars in Korea. Why is that? Is it because we produce a dramatically inferior car? No. The Koreans want access to our marketplace. They want to sell to the American consumer, but they don't want American vehicles in Korea. They just don't.



We sit around thumbing our suspenders and smoking cigars and pontificating about free trade, never willing to say to the Koreans: If you want to trade with us, I will tell you what, then be fair. If our market is open to you, your market must be open to us. If not, sell your cars in Zambia. Go try to sell them there. You don't sell them in the American marketplace unless your market is open to our product.

How about China? It is interesting. We did a bilateral trade agreement with China. I would love to find the negotiator who made that deal for us.

Here is what our negotiator agreed to. After a phase-in, the Chinese will impose a 25-percent tariff on American cars that would be sold in China. And we will only have a 2.5-percent tariff on Chinese cars they want to sell in the United States. The Chinese can have a tariff 10 times the size of ours on reciprocal automobile trade.

I think that is stark raving nuts. Who on Earth could have negotiated such an incompetent deal? Do we not have people who will stand up for the interests of this country for a change?

Here is what I suggest for that trade negotiator. That trade negotiator should have worn this shirt during the negotiations.

You know we just finished the Olympics. We asked the Olympic athletes to wear a uniform so we could look down and see where they are from, and it always says USA. God bless them. I would love our trade negotiator, just once, to wear a uniform that says USA.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. DORGAN. Madam President, I ask unanimous consent for 3 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. I would love, just once, to ask our trade negotiators to wear a uniform so at least they know on whose behalf they are negotiating.

I am so tired of what is happening in international trade negotiations. Will Rogers said, 70 years ago, that the United States of America has never lost a war and never won a conference. He must surely have been thinking about our trade negotiators. It doesn't matter what it is—the United States-Canada FTA, CAFTA, NAFTA, WTO—all our negotiators have to do is show up and lose. They do it routinely.

This isn't a partisan issue, international trade. I think both Republicans and Democrats have let this country down. We need a new trade strategy.

Globalization is here, that is true. We are not going to turn back globalization, but we at least, by God, ought to have rules that are fair to this country and to the workers of this country and to the businesses of this country that do business here and stay here.

I have one final point. This Senate did not even have the strength and the backbone to at least shut down the per-

verse tax incentives that reward companies that export U.S. jobs. If we cannot take the first baby step in the right direction, it is a pretty hopeless situation.

We will have an opportunity to address these issues next year. I hope Republicans and Democrats today will decide in unison that exporting these jobs hurts this country, and there are policies and approaches we can do to change the fortune of this country's economic future.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I ask unanimous consent that I be allowed to speak in morning business for so much time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

### IRAQ

Mr. CORNYN. Madam President, I want to talk a little bit about the war in Iraq and what I consider to be a larger problem confronting this Nation, indeed, confronting the American people, particularly during an election year. It is really a challenge we all have, and that is how, in a country that is founded on the legitimacy of our laws, being founded on consent of the governed, how do the people know what is happening, not just in their Government but in the world? How do they get good information?

I will give an example. Two nights ago, I received a call from one of my constituents in Lubbock, TX, who said he had heard we were going to reinstate the draft because of concerns about Iraq and Afghanistan and American forces being spread too thin. Of course, I told him we have more than 2.5 million men and women in uniform, including our Active Duty, our Reserves, and our National Guard. I said the phrase I have come to use often, and that is that we are out of balance, but we are not out of troops.

Secretary Rumsfeld yesterday spoke before the Armed Services Committee—the distinguished Presiding Officer, of course, is a member of that committee and heard those remarks as well—that we are in the process of restructuring our military forces so we can access more of those forces, so we can put those troops where they need to be. That is a process that is part of the global posture review and certainly the Base Realignment and Closure Commission process that goes forward next year, all of which falls under the heading of transformation.

Getting back to the question my constituent asked—which is, I am worried because I hear that we may reinstate the draft—I asked Secretary Rumsfeld that very question. Indeed, I alluded to a statement that had been made the day before by the Democratic Presidential nominee where it was said that it was possible that the President would reinstate the draft to handle the

war in Iraq if President Bush was re-elected. This statement followed on a charge last week that the President was planning a surprise postelection callup of additional Guard and Reserve troops.

I asked the Secretary of Defense, Secretary Rumsfeld, for the record: Are there any plans for a postelection callup of additional Guard and Reserve troops, and is there any truth to this rumor that the President plans to reinstate the draft?

He gave a very spirited response, but the bottom line is he said: That is nonsense. It is not true. It is false.

I guess if he could find other ways to try to get that message through, he would do that. I cannot remember if it was Mark Twain who said rumor makes it halfway around the world while the truth is still putting on its shoes, or something to that effect. It is in that vein that I come to the floor of the Senate to talk about Iraq.

Let me start by sharing the results of a recent nationwide poll of the Iraqi people conducted by the Independent Institute for Administrative and Civil Society Studies. I refer to this poll because, of course, like the distinguished Presiding Officer, I am sure she has experienced troops who have been in Iraq and come back to the United States, who read the newspaper accounts, watch TV news, and do not recognize what they are seeing and reading because, indeed, the troops in Iraq, in addition to being everyday heroes, are well disciplined, morale is high, and they know they are doing an important job and they are getting the job done. But they come back to the States, read a newspaper and watch the news, and they are met with gloom and doom and pessimism about our prospects.

I worry—and I expressed this concern yesterday—that particularly in an election season, those of us who are in elected office need to be very careful and very responsible about our statements, even when we are in the heat of political combat, because we do not want to do anything that would have the consequence of demoralizing our troops or breaking the resolve of the American people as we fight this global war on terror.

But this poll of the Iraqi people I believe is important because it consisted of more than 2,300 household interviews and was distributed across Iraq's 18 provinces. Here are just a few of the interesting statistics this survey reveals:

A full 75 percent of the Iraqis expressed hopefulness about the future of the nation, and more than 70 percent say they would not leave their country even if they were given an opportunity to live elsewhere.

While earlier polls show the Iraqis were concerned with security, and that is obvious to all of us that they would be and should be, as we are, the Iraqi police and army are gaining the confidence of the Iraqi people to deal with their transition from a terrible, blood-thirsty dictator under Saddam Hussein

to now this interim government leading up to full democratic elections in late January. More than two-thirds of the respondents expressed trust for the Iraqi men and women trying to bring about peace and stability and security—that is, the growing Iraqi Army and security forces—and, in fact, as the distinguished Presiding Officer knows, the single largest component of the coalition efforts in Iraq now are Iraqis. More than 238,000 Iraqis serve as part of that country's security force as we speak. As we have heard from Secretary Rumsfeld and others, that will continue to grow.

General David Petraeus is assigned the job of making sure they are trained. As we train more recruits to become good security forces in Iraq, it will decrease the pressure on America to provide those security forces and others of our coalition partners. That is good news to me and I am sure good news to people all across this country.

This same survey revealed that the interim government of Iraq is trusted by 65 percent of its citizens.

I wish all of us in elected office could claim those sorts of approval ratings in the United States, but I will not go there. The Iraqi courts and judges, the most important component of restoring respect for the rule of law in Iraq, are trusted by more than 64 percent of Iraqis responding to this survey of 2,300 households. More than 77 percent of those polled believe that holding regular, fair elections is the most important political right for the Iraqi people.

I will talk more to that in a moment, because I am afraid there are some who do not believe that the people of the Middle East are capable of democracy and doubt their aspirations for liberty. But 77 percent of those polled believe that holding regular, fair elections is the most important political right for the Iraqi people.

Finally, 58 percent of those polled believe that democracy in Iraq is likely to succeed. That is a far cry from the doom and gloom preached by some of the naysayers in this election season and, indeed, some of what we see on our televisions and read in our newspapers.

Yesterday, in a joint session of Congress, I had the honor to hear interim Prime Minister Allawi speak. He started out his remarks, after a few moments, with these words: Thank you, America. Thank you, America, for delivering the Iraqi people from a terrible dictator and tyrant in Saddam Hussein.

He went on to express his appreciation not only for the sacrifices of the men and women in uniform but to all of the people of this great country who hold the ideal of liberty, freedom, and opportunity as not just an American aspiration but something that everyone, every human being, aspires to.

I will quote from his remarks because they go to the heart of the pessimism that is expressed in some quarters about the Middle East and what is happening in Iraq. He said:

Ladies and gentlemen, good will aside, I know that many observers around the world honestly wonder if we in Iraq really can restore our economy, be good neighbors, guarantee the democratic rule of law and overcome the enemies who seek to tear us down. I understand why, faced with the daily headlines, there are these doubts. I know, too, that there will be many more setbacks and obstacles to overcome.

But these doubters risk underestimating our country and they risk fueling the hopes of the terrorists.

I will read that again because it is so important. Prime Minister Allawi said:

But these doubters risk underestimating our country and they risk fueling the hopes of the terrorists.

He goes on to say:

Despite our problems, despite our recent history, no one should doubt that Iraq is a country of tremendous human resources and national resources.

Iraq is still a nation with an inspiring culture and tradition and an educated and civilized people. And Iraq is still a land made strong by a faith which teaches us tolerance, love, respect and duty.

Above all, they risk underestimating the courage, determination of the Iraqi people to embrace democracy, peace and freedom, for the dreams of our families are the same as the dreams of the families here in America and around the world. There are those who want to divide our world. I appeal to you, who have done so much already to help us, to ensure they don't succeed.

Do not allow them to say to Iraqis, to Arabs, to Muslims, that we have only two models of governments, brutal dictatorship and religious extremism. This is wrong.

Like Americans, we Iraqis want to enjoy the fruits of liberty. Half of the world's 1.5 billion Muslims already enjoy democratically elected governments.

As Prime Minister Blair said to you last year when he stood here, anywhere, any time ordinary people are given the chance to choose, the choice is the same: freedom over tyranny, democracy not dictatorship, and the rule of law not the rule of the secret police.

Do not allow them to convince others that the values of freedom, of tolerance and democracy are for you in the West but not for us.

For the first time in our history, the Iraqi people can look forward to controlling our own destiny. This would not have been possible without the help and sacrifices of this country and its coalition partners. I thank you again from the bottom of my heart.

Finally, the Prime Minister said:

And let me tell you that as we meet our greatest challenge by building a democratic future, we the people of the new Iraq will remember those who have stood by us. As generous as you have been, we will stand with you, too. As stalwart as you have been, we will stand with you, too. Neither tyranny nor terrorism has a place in our region or our world. And that is why we Iraqis will stand by you, America, in a war larger than either of our nations, the global battle to live in freedom.

I believe that lengthy quote is worth hearing again because I also want to talk a minute about the nature of the threat we confront and that Prime Minister Allawi spoke of, not just a war confined to Iraq but indeed a global war on terrorism.

It was 3 years ago this month that we were forced to realize as a nation that

the terrorist foe we had been fighting on the margin for years sought a more deadly goal than we ever suspected. The terrorist threat we battle today does not just seek victory over America; it seeks an extermination of our unity, our culture, our liberty, everything that makes America the envy of the free world today.

I think of recent expressions I have read. The 9/11 Commission did a very good job of expressing the nature of the threat Prime Minister Allawi spoke of and that we confront today. Under its recommendations, the 9/11 Commission said:

The enemy is not just "terrorism." It is the threat posed specifically by Islamist terrorism, by Bin Ladin and others who draw on a long tradition of extreme intolerance within a minority strain of Islam that does not distinguish politics from religion, and distorts both.

The enemy is not Islam, the great world faith, but a perversion of Islam. The enemy goes beyond al Qaeda to include the radical ideological movement, inspired in part by al Qaeda, that has spawned other terrorist groups and violence. Thus our strategy must match our means to two ends: dismantling the al Qaeda network and, in the long term, prevailing over the ideology that contributes to Islamic terrorism.

Skipping down a paragraph, they conclude from this reading:

What should Americans expect from their government? The goal seems unlimited: Defeat terrorism anywhere in the world.

We have seen—and it is not a matter of taking my word for it or even the 9/11 Commission's word for it or Prime Minister Allawi's word for it—that the war we are fighting is not confined to Iraq. It is not confined to Afghanistan. In fact, I think those who suggest otherwise are ignoring the lessons of history, as well as the sage words of the 9/11 Commission, the Prime Minister, and others.

We have seen the evil works of this terrorist wave, and not just on 9/11. We saw the attack on the *USS Cole* in 2000, an attack that killed 17 American sailors and wounded 39. We saw the bombing in Bali in Indonesia 2 years ago. We see, it seems like with horrible regularity, Palestinian suicide attacks in Israel, and the United Nations compound car bomb attack in Iraq.

This year alone we have seen massacres in Madrid, the Twin Tupolev bombings in Russia, and the suicide car bomb attacks in Afghanistan and Iraq. Most recently, we have seen the butchery by terrorists who murdered children in the schoolyards of Beslan.

No, the war on terror is not limited to Iraq. It is not limited to Afghanistan. They are but fronts in the global war we are waging today. In fact, it was the combatant commander, the Central Command General John Abizaid, who only a couple of months ago admonished all of us in the Senate not to look at the war as though looking through a soda straw, not to look at what is happening in Afghanistan and at what is happening in Iraq and say this is all there is, this is reality.

Indeed, some have even suggested that the war in Iraq is a diversion from the real war on terror. But, of course, that is flying in the face of the facts: the long litany of terrorist attacks in many different parts of the world, the presence of Al Qaeda forces and allies in Iraq, and, of course, what Prime Minister Allawi has said as well.

Indeed, during this political season when international affairs and the war on terror is a prime topic in political debates and discussions, there appears to be an attempt to decouple Iraq from the global war on terrorism, to suggest that it is a distraction. But I hope I have convinced those within the sound of my voice that cannot be true; that is not true. Indeed, I believe that argument is a disservice to the American people and our forces in the field, whose resolve must remain strong as we continue to fight this great scourge on humanity.

Under President Bush's leadership, despite the naysayers who claim this task could not be done, we have confronted this evil for what it is. We have employed the very best weapon America has to offer: the power of our ideals and the power of liberty. Even as we battle them around the world, the terrorists have flocked to specific points to battle us. As coalition forces liberated Iraq and Afghanistan, they have been attracted to Iraq and Afghanistan like moths to the flame. Why? Because they realize that their dark ideology of hate will not—cannot—survive the spreading light of freedom.

The spread of democracy, the new foundation of the rule of law, and the creation of fledgling representative governments that honor and respect human rights—together these actions spell out the increasing marginalization of the terrorists, as they have fewer and fewer places to run and hide. Ultimately, they herald the end of terrorism as we know it.

Of course, none of us asked for this task. We cannot erase 9/11, as much as our hearts desire it. We cannot change the past. But we must acknowledge that this responsibility has fallen to us—in this time, in this generation—and we must and we will win by fighting this enemy where they plot and plan, so we do not have to fight them on American soil.

I want to reiterate: We must always remain conscious in this body as elected officials, as representatives of our States and of this great Nation—we must always be conscious of the fact that the words we say, particularly during an election season, can have a broad and negative effect on the morale of our soldiers in the field. We must continue to give our forces all the support they need and stay focused on our goal. And while our enemies began this fight on their terms, we will finish it on ours.

We will widen the span of the democratic peace into places where the enemy trains and recruits. We will liberate the people held under the yoke of

darkness and despotism for generations. And around the world we will hear the rumble of millions of people waking to discover that yes, at long last, they are free.

Madam President, the terrorists have heard a great noise in Iraq—and it is the sound of their doom.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon.

#### SECRET HOLDS

Mr. WYDEN. Madam President, I think if you walked down the streets of the small towns in North Carolina or Oregon and asked people what the "secret hold" is in the Senate, my guess is you would not find one out of a thousand people who would have any idea what this extraordinarily important rule is here in the Senate. As the President knows, it is possible for any Member of this body to put a hold on a bill or nomination, and do it in secret. It is one of the most extraordinary powers a Member of the Senate has.

Senator GRASSLEY and I have led, over more than 5 years, a bipartisan effort to try to change it, to have some sunlight over the secret hold. We have been fortunate to have the support of Senator LOTT and Senator DODD. Senator BYRD has been exceptionally helpful on it. I am very hopeful that we will finally get this changed when the Senate resumes in January, after the election.

Senator FRIST has been very kind meeting with us. He, of course, became the leader and had a lot on his plate besides the question of reform of Senate rules. But we saw again last week why this is so important. Right in front of the desks here in the front of our Chamber, we saw Senators scurrying around, trying to figure out who had a hold on their bill; who, in effect, was using in these last few days of our proceeding with our work before the election, who was holding up legislation they had worked on for months, and in a couple of cases, for years.

I think this is fundamentally wrong. The rules of this body and the precedents established, as Senator BYRD has taught us so well, make so much sense. But this is a flagrant example of abuse of the rules, to have in the last few days of a Senate session Senators scurrying about here in the front of the Chamber, trying to figure out who is objecting to something they have worked on.

I think we all ought to be held accountable. If you object to a nomination or a piece of legislation, fine. But with that right should come accountability. I am very hopeful we can get those rules changed. And in the spirit of changing those rules, Senator GRASSLEY and I have said we are in effect going to jump-start the process by making it clear that if we have an objection to the consideration of a nomination or a bill, we are going to come to the floor and announce it.

For that reason, I want to take a few minutes and outline why I publicly have placed a hold on the nomination of Deborah Majoras to chair the Federal Trade Commission. She now serves in a recess capacity. Of course, the FTC is the agency that is in a very strong position to protect the American consumer from price gouging at the gas pumps. But instead of doing its job, the Federal Trade Commission, in my view, has chosen to waste the taxpayers' money by very recently issuing a self-serving report that they use to justify their lack of enforcement action to block oil companies from merging.

In making these comments, I want to make it clear that there are a host of reasons why gasoline prices are going up. Worldwide demand is certainly a big factor. We see that higher demand is contributing to higher prices, particularly in the case of China. Certainly the mischief of OPEC is a very significant factor. Certainly the inability to put in place the kind of conservation practices our country needs in the transportation sector. There are a host of reasons why gasoline prices have soared. But the U.S. General Accounting Office (GAO), our independent body that audits these kinds of issues, said in an important recent study that the oil industry mergers the Federal Trade Commission keeps approving are a significant factor in why gasoline prices are so high.

In fact, the GAO found that the oil industry mergers that went through in the 1990s increased concentration in the oil industry significantly and increased gasoline prices for consumers by as much as 7 cents per gallon on the west coast of the United States.

Let us acknowledge there are a variety of reasons that gasoline prices have soared. But the GAO has found in an independent review that the policies of the Federal Trade Commission with respect to mergers have hammered the consumer, especially on the west coast of the United States, and in effect caused a shift of dollars out of the pockets of the consumer and into the pockets of those oil companies that benefit from these mergers.

In effect, the Federal Trade Commission again and again has tried to offer excuses for their inaction on this oil company merger issue. In their recent report, the Federal Trade Commission tries to excuse their inaction by claiming that gasoline prices at the pump are determined by world oil prices.

Again, no one disputes that can be a factor. But the record shows there is a lot more to this than the Federal Trade Commission's simplistic analysis.

Yesterday, for example, the price of a barrel of oil soared to \$49 per barrel, just short of the all-time highest price on record. Yesterday's price is 15 percent higher than the price of oil was just before the Memorial Day weekend.

In effect, there is a 25-percent difference in recent gasoline prices that cannot be explained by the Federal

Trade Commission's simplistic analysis. Clearly, there is a lot more going on in U.S. gasoline markets than can be accounted for by world oil prices alone.

In the hearings we held in the Commerce Committee, I have repeatedly cited the need on a bipartisan basis to make the case for why we need the Federal Trade Commission to do a better job of watchdogging these oil company mergers and protecting the consumer against anticompetitive practices.

I have asked repeatedly about this new study from the GAO. I have asked about the fact that the FTC issued a report which I think vastly oversimplifies the reasons why gasoline prices are so high and is an excuse to look the other way on this issue of oil company mergers. But the GAO is not alone in documenting how the Federal Trade Commission regulators have been missing in action when it comes to protecting the American consumer at the gas pump.

Since 2001, according to Bloomberg News, oil industry mergers totaling \$19.5 billion have been unchallenged by the Federal Trade Commission. Bloomberg reports also that these unchecked mergers have played a role in contributing to the highest gasoline prices in the past few decades.

According to our review and the Federal Trade Commission's own records, the agency imposed no conditions on 28 of 33 oil mergers since 2001.

You can see the result of the Federal Trade Commission's inaction on this issue at gas stations in Oregon and across the country.

Nationwide, the GAO found that between 1994 and 2002, gasoline market concentration increased in all but four States. As a result of Federal Trade Commission merger policies, 46 State gasoline markets now face significant concentration which is almost double what we faced in 1994.

The Federal Trade Commission, oil industry officials, and consumer groups in effect now agree that in concentrated gasoline markets—and there are 46 gasoline markets, and I represent one of those markets—the oil companies do not need to go out and directly collude in order to raise prices. They don't need to go off to a steakhouse somewhere and sit down and in effect set the prices. The Federal Trade Commission's own general counsel said recently:

It may be possible in selected markets for individual firms to unilaterally increase their prices.

So what you have is the Federal Trade Commission's general counsel in effect admitting that the oil companies in these concentrated markets have so much clout that in specific instances, they can price gouge with impunity.

Despite all of the evidence that gasoline markets around the country have become concentrated, and in these concentrated markets, individual firms can raise prices and extract monopoly

profits, the Federal Trade Commission sits on its hands.

The General Accounting Office, in a May 2004 report, identified two major changes that even occurred in the gasoline market as a result of the wave of oil industry mergers and increased concentration during the 1990s.

First, the availability of generic gasoline, which is generally lower priced than branded gasoline, had decreased substantially. Second, refiners now preferred to deal with large distributors and retailers which has motivated further consolidation in distributor and retail markets. The net results of these changes are likely to be higher prices and fewer choices for consumers when they purchase gasoline, especially in the concentrated markets. We have seen almost a doubling of the markets that are concentrated in recent years.

Despite the troubling findings of the General Accounting Office's report, Deborah Majoras has given no indication that she would in any way change the Federal Trade Commission's review of oil mergers. My sense is that Ms. Majoras hopes the General Accounting Office report disappears, that somehow Members of the Senate, who are busy and have lots of assignments, are going to go on to other things and are going to forget about this report which documents that the policies of the Federal Trade Commission are hammering the people I represent in Oregon and up and down the west coast.

As far as I could tell, when she is not trying to ignore the General Accounting Office report, she has taken steps to discredit the work of the General Accounting Office as she did in a letter to me.

An additional reason for my concern is that at virtually every opportunity, Deborah Majoras passes on the opportunity to even use her office as a bully pulpit to say that she is concerned about this issue. When she came for her confirmation hearings, she didn't even mention high gasoline prices among the issues she thought warranted consideration in her opening statement.

She didn't provide one significant new action she would take to address this urgent consumer issue. On August 16, Ms. Majoras received a recess appointment, and in the weeks since her recess appointment, there is no evidence that anything is going to change. As far as I can tell, the evidence indicates the campaign of inaction on competitive prices in the gasoline markets will continue. For example, Deborah Majoras announced that her priority as Federal Trade Commissioner is going to be involved in the national campaign on obesity. Well, I don't take a back seat to anybody in terms of fighting this problem. In fact, Senator FRIST and I have introduced legislation directed at the growing problem of childhood obesity. I hope Deborah Majoras will testify at the hearing to be held the first week in October on the Frist-Wyden legislation to tackle this serious problem of obesity.

But I come to the floor to say one reason I will continue the public hold I

have on the Majoras appointment is that as she works on the important issue of obesity, she also needs to turn her attention to those oil companies feeding off American consumers' hard-earned money. As far as we know today, on her watch it is going to be business as usual in the gasoline market, with more oil company mergers, more concentration of oil and gas industries and higher gasoline prices for consumers at the pump. In my view, it is hard to find a more important consumer protection issue that the Federal Trade Commission has a responsibility for than overseeing competitive prices in our gasoline markets. High gasoline prices act like a tax on the consumers that reduces their purchasing power.

On average, gasoline prices are 20 cents a gallon higher than they were at this time last year. These higher prices mean a typical family is spending \$600 more this year to fill the gas tanks in their car than they were a year ago.

Despite the urging that I and other colleagues have done, it has been hard to see the administration take any action to give the consumer a break from these record-high gasoline prices they have been paying throughout the year. I think it is interesting that there was a new development with respect to the Strategic Petroleum Reserve in the last 24 hours. In the last 24 hours, the administration announced it is negotiating to provide loans of oil from the Strategic Petroleum Reserve at the request of oil refiners to help keep their refineries supplied because of shortages of crude oil supplies in the Gulf of Mexico following the recent hurricanes.

I want to be clear. If there are significant supply shortages that can be relieved by the release of Strategic Petroleum Reserve oil, then I am all for making that oil available. That is what the Strategic Reserve was created to address. But I think it needs to be pointed out that this administration has a double standard with respect to using the Strategic Petroleum Reserve. They are willing to use the Strategic Petroleum Reserve to help big companies when they are in a jam, but they are not willing to use the Strategic Petroleum Reserve to help the little guy when the little guy is getting clobbered.

So I very much hope we will see a change in the administration's policies with respect to the Strategic Petroleum Reserve. Let's use it when we need to help companies, which seems to be the case with respect to the situation in the Gulf following the recent hurricanes. But let us not have a double standard that says we will use the Strategic Petroleum Reserve to help the big and powerful and sit on our hands when the little guy is getting hammered.

Let me close simply with one last point with respect to the role of the Federal Trade Commission. I intend to keep the public hold on the Majoras appointment for as long as it takes, until

that time when we see changes at the agency that will promote competition in our gasoline markets. Ms. Majoras has given no indication at her confirmation hearing or since then that she is going to change the Federal Trade Commission's oil companies' merger policies, which the GAO found in an independent review have increased gasoline prices for consumers.

Ms. Majoras didn't even believe high gasoline prices were enough of a problem for consumers to mention them in her opening statement at the confirmation hearings. When I and others pressed her at the hearing to say what she would do to protect consumers from higher gasoline prices, we were not given one example of how to address this urgent issue. She subsequently offered the committee a blueprint for inaction. Out of seven so-called commitments she wanted to make, three are a continuation of the status quo, and three essentially are public relations activities. Only one would involve something new—an investigation of a refinery closure using a subpoena, which is sort of like sending a search party after a horse that was turned loose years ago.

Since her recess appointment more than 4 weeks ago, Ms. Majoras has made it clear that protecting consumers from getting gouged at the gas pump is simply not a priority.

For these reasons, I have placed a public hold on the Majoras nomination. I intend to continue to object to any unanimous consent request for the Senate to consider this nomination, until we see that there are going to be some changes at the Federal Trade Commission to protect gasoline consumers, particularly the ones I represent on the west coast of the United States, who are now getting mugged at the gas pump.

I yield the floor.

#### THE ADMINISTRATION POLICY IN IRAQ

Mr. HATCH. Madam President, it has been another interesting week in the public debate on Iraq. Yesterday, a joint session of Congress was convened to hear the address of the Interim Prime Minister of Iraq, Iyad Allawi.

I have heard many foreign leaders address joint sessions, and I have found many of those addresses compelling, powerful, historic. Last year we heard the Prime Minister of Great Britain, Tony Blair, give a riveting speech, where a leader of a famous center-left democratic party forcefully supported our President and his administration on a question that has always been best served when the parties join together: the question of war and security.

We all remember the speech Prime Minister Blair gave, and the rationale he reiterated for joining his nation's forces to the cause of the coalition's liberation of Iraq. Prime Minister Blair and I come from two different political traditions, and we represent two dif-

ferent political philosophies, but I respect him and I admire him. His speech was one of the best speeches I have heard given in a joint session.

But yesterday's speech by Interim Prime Minister Allawi was truly one of the most historic speeches by a foreign leader before this Congress.

Prime Minister Allawi was direct in his gratitude for the U.S. contribution and sacrifice to liberate his country from tyranny. He was compelling in his declaration that the Iraqi people are determined to move forward in assuming their security and in conducting free and fair elections. And he committed his Government's partnership to fighting terrorism in that region and throughout the world. The House Chamber was fully packed by my colleagues from both parties. The Prime Minister received much applause and, to the best that I could see, that applause came from all of us. I am happy to recognize this because Prime Minister Allawi is not the Republican's ally in Iraq, he is America's ally in Iraq.

As we know from his biographies in the press, the Prime Minister has worked with American administrations before this one, including a Democratic administration. He is not beholden to Democrats or Republicans. He is beholden to the cause of an Iraq that is free from terror and tyranny. And he has the scars to prove that.

This is why I was so appalled to hear some of the criticisms of Prime Minister Allawi that emanated from the other side yesterday. None was so appalling as this statement, quoted in today's Los Angeles Times, by Joe Lockhart, a senior adviser to the Kerry campaign:

The last thing you want to be seen as is a puppet of the United States.

Now, what a thought to put out. What a condemnation of a man who risks his life every day for freedom in Iraq and freedom throughout the whole Middle East and freedom throughout the world.

"The last thing you want to be seen as is a puppet of the United States," said Mr. Lockhart who, last I checked, was not known for his foreign policy expertise. He continued:

You can almost see the hand underneath the shirt today moving the lips.

Now, Madam President, this quote will be read in Iraq today. The reason it can be read in Iraq today is because today Iraq has freedom of the press.

The reason there is freedom of the press today is because a brutal totalitarian dictatorship was deposed by a U.S.-led coalition. The reason there is freedom of the press today is because the United States has sacrificed over 1,000 of our young men and women to free a country from a dictator who tortured his people, gassed his subjects, invaded his neighbors, associated with terrorists and al-Qaida, built and hid weapons of mass destruction, repeatedly violated international law requiring him to reveal the whereabouts of

those weapons of mass destruction, never allowed international inspectors to confirm the destruction of those weapons, and never—never—ceased his virulent and hostile rhetoric against the United States, and who caused the death of at least 300,000 of his own fellow countrymen who now or did lay in mass graves.

Madam President, you know what is underneath the shirt of Prime Minister Allawi? Scars from an ax attack by Saddam's henchmen. And do you know what is underneath those scars? A brave and patriotic Iraqi heart, beholden to no one but the cause of a free Iraq.

The Democratic spokesman's statement was a calumny, pure and simple. It was a cheap and pathetic shot from a man whose only combat experience is bullet points in 10-point font. It was a cheap jab to a man who barely survived an ax attack ordered by a tyrant we have deposed, and who has been four times—four times—targeted by the terrorists and gangsters who kill our troops and the Iraqi people and who would kill us if they could.

But let me be plain. The statement was worse than a calumny. It was a deliberate attempt to undermine our mission in Iraq. And I am sick and tired of some suggestions I have heard in the press recently that we cannot speak plainly about these matters.

Prime Minister Allawi is as legitimate a politician as anyone in Iraq today. He has fought for the cause since before Joe Lockhart chose the pencil as his weapon of choice. He can list more fallen, tortured, vanished comrades than Joe Lockhart can list maitre d's. He is the Iraqi Interim Prime Minister because he was chosen last June by the Iraqi Governing Council—Iraqis, if you will—to lead his own country. He is the man we are relying on to lead us to elections in January, which is a key aspect of our policy in Iraq.

We are not there but to liberate these people. And we have done so, so far. And I am getting sick and tired of some who have found fault with this in the most discouraging of ways. I think some of those comments undermine our young men and women over there. How would you like your sons or daughters over there to have to read this drivel that not only has been said by Mr. Lockhart but others who have continually maligned this war, continually maligned our cause, continually maligned our leaders, and, by implication, our efforts in this war?

When a Democratic spokesman publicly says Prime Minister Allawi is a puppet, which Prime Minister Allawi clearly is not, and he says so in a way that Iraqis under fire from terrorists and gangsters can read, there is no way we can conclude that this is not undermining the Interim Prime Minister.

When the Interim Prime Minister is undermined, our political ally in Iraq is undermined. And when our political ally in Iraq is undermined, the work of

our soldiers—whose mission is to create the security to support our political strategy—is undermined. Their work is undermined.

Recently, there has been some tut-tutting in some of the press and the antiwar movement that such declarations as I have just made are beyond proper discourse.

Let me be clear: A state of war should give no cause for inhibiting free speech in a democratic society, and I would tolerate no restriction of free speech here or anywhere in the country.

After all, Michael Moore is free to denounce every manifestation of American foreign policy; is he not? And we are upholding his right to do so, as ridiculous and inane and asinine as his comments are. His antiwar work includes Serbian propaganda clips in defense of genocide in "Bowling for Columbine" to nice pictures of playful Iraqis peacefully flying kites in the halcyon days of Saddam Hussein, which is in his latest virulently anti-Bush creed, and, of course, cheered on by some of our colleagues on the other side. The man is not an idiot, but he acts like an idiot, and he is undermining our young men and women over there.

But likewise, honest policy debates—and the comments on the role rhetoric plays—should also not be restricted.

The PRESIDING OFFICER. The Senator has used 10 minutes.

Mr. HATCH. I thought I had 15.

The PRESIDING OFFICER. We are in morning business with 10-minute grants.

Mr. HATCH. I think I can finish in the next 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. When a Democratic spokesman calls Prime Minister Allawi a puppet, that is not a suggestion as to what the Prime Minister could better do in his difficult job. That is a statement that undermines the Prime Minister, our ally in a war against terror and tyranny. And when you undermine our principal ally in a war against terror and tyranny, you are undermining our cause.

Madam President, I buried my brother-in-law at Arlington Cemetery last week. I spoke of him on the Senate floor yesterday. He was a tough sergeant in the Marines. He had that unique pride that I have come to so admire in the Marines. His modesty over his sacrifices for his country was surpassed only by his love of his country. He was a true hero. He fought in Korea and Vietnam, and he bore the wounds of Vietnam through his life. Agent orange exposure killed him. And to his dying day, he thought the cause he fought for in Vietnam was just.

Last May, the Democratic nominee in this fall's Presidential campaign was quoted as saying that President Bush "didn't learn the lessons of our generation in Vietnam." I find this remark staggeringly ironic.

Let me say this, Madam President. I honor the service of all who fought bravely and honorably in Vietnam—everyone, without exception.

But there are two different interpretations of our Vietnam policy. The antiwar movement's view on our Vietnam policy concluded that the use of American power was immoral and not to be trusted. Today, that world view is still very strong, overseas and here among the American left.

It has not changed much, except that, today, the left, which still distrusts the use of American power, believes that that power must be checked by the international community. That view holds that American power is illegitimate without the sanction of other powers, including the United Nations.

There is another view on Vietnam policy that my late brother-in-law held. And that view is that the sacrifices of those who fought nobly and bravely in Vietnam are to be forever honored. That view—my view—is that the American military won that war. When President Nixon signed the Paris Peace Treaty in early 1973, U.S. forces fighting with South Vietnam had secured South Vietnam. The war was lost when the north violated that peace treaty and a Democratic Congress failed to provide the arms and funds to help an ally defend itself from an invasion supported by the Soviets and the Chinese.

We made many policy mistakes in Vietnam, and the enslavement of the south to communism was a sad conclusion whose responsibility must never be borne by those who fought, but by those who failed to hold the course.

Do you know what one of the earliest policy mistakes we made was? It was when, under the Kennedy administration, the decision was made to stop supporting the Diem administration in South Vietnam. When that happened, the south lost a leading figure, a political leader. Diem was no democrat, but he was our political ally. We dealt ourselves a serious political blow when we failed to support Diem. He was assassinated, and our political goals were undermined.

I am not going to stand by and be silent when our ally, Prime Minister Allawi, is undermined by rhetoric from a top spokesman of the other party. Because some people need to understand that rhetoric has consequences.

Let debate rage, I say. Let the antiwar movement have its say, and let Michael Moore collect his fees on college campuses. But I believe that, in a time of war, we need to hold ourselves to higher standards of intellectual content, honesty and clarity.

Recently we have heard a lot about a CIA analysis from earlier this summer. Am I the only one to notice that the people who have been declaring that CIA analyses are unreliable are treating this latest analysis as holy writ? That the people who have taken the good work of Chairman ROBERTS and our committee—which did a stark and

honest review of the failings of pre-war intelligence—and concluded that the CIA cannot be trusted are now asking us to conclude, based on an analysis no one has read, that the President is lying?

A CIA analysis is just that: analysis. It is more than guesswork, but it is a lot less than prediction. Yes, the situation could go bad in Iraq—very bad.

But at no time in American history has an administration conducting a war concluded during a dark hour that success was no longer attainable. That is not leadership. To focus on the course to success is not lying. It is leadership. To focus on the darkness of the hour is not.

The situation in Iraq is difficult, but it will not go bad, because we will not accept failure as an outcome. Failure would endanger our security, and this administration will not allow that.

We are in a charged political season. The American public will choose who they believe will best ensure their security. I would ask all who opine to remember that, while we are in a political season, we are in a war. Let us criticize as best we can, but let us do just that: as best as we can. That standard, is far above the rhetoric of defeat, despair and, in the case of calling Prime Minister Allawi a puppet, self-defeating delusion.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak up to 15 minutes.

The ACTING PRESIDENT pro tempore (Mr. SMITH). Without objection, it is so ordered.

#### NORTH KOREA HUMAN RIGHTS ACT

Mr. BROWNBACK. Mr. President, I believe this body is about to consider and pass the North Korea Human Rights Act and our amendment in the nature of a substitute. It is cleared through the House of Representatives and is on our consent calendar. It is about to clear through here, I believe, and I am thankful to the Foreign Relations Committee, the staff of the committee, the chairman and ranking member, for their work getting this moved forward.

This is about the fundamental human rights of the people of North Korea. It is my hope that this will pass today—and if not today, at least Monday.

It is no secret that North Korea policy continues to be a matter of intense debate at the highest levels of our Government and governments around the world. Reasonable people with good intentions disagree vehemently on various aspects of what an appropriate North Korea policy should be.

This is why I am pleased that the Senate, along with the House of Representatives, will soon be able to come together in unity and speak clearly on one particular set of issues regarding North Korea, and that is the most fundamental rights, human rights, of the



people of North Korea, and to put that in a policy position.

The people of North Korea have endured some of the most horrendous assaults on the inherent dignity of human beings of any group of people in the world. Inside North Korea, the totalitarian dynasty of the Kim regime permits no dissent and maintains an inhumane system of prison camps that houses an estimated 200,000 political inmates.

I have held a hearing on this. We have had satellite photography. People who have left the country have testified about this system of gulags that exists and is in operation today in 2004.

The regime strictly prohibits freedoms of speech, press, religion, assembly, and movement. Torture and execution, often in public, are regular tools of state control. Since the collapse of the centralized agricultural system in the 1990s, more than 2 million North Koreans are estimated to have died of starvation and related diseases. That is nearly 10 percent of the total North Korean population—over 2 million people.

North Koreans outside of North Korea are also targets of abuse. Many thousands are hiding inside China, which currently refuses to allow the U.N. High Commissioner for Refugees to evaluate and identify genuine refugees among the North Korean migrant population. This is so even though China is a signatory and has obligations as a party to the U.N. Refugee Convention.

China forcibly returns North Koreans to North Korea where they routinely face imprisonment and torture and sometimes execution. The stories from North Korean refugees who are able to get out are absolutely horrific.

Inside China, North Korean women and girls are particularly vulnerable to trafficking and sexual exploitation. Recent reports also indicate that chemical and biological experiments are going on in the country's gulags inside North Korea.

Let me explain what the bill does. The bill promotes the human rights of North Koreans by funding private, non-profit human rights and democracy programs, increasing the availability of nonstate-controlled sources of information to North Koreans and U.S. broadcasting into North Korea, urging additional North Korea-specific actions by the U.N. High Commission on Refugees and by the U.N. Human Rights Commission.

The bill promotes responsible assistance to the North Korean people by increasing funding for humanitarian assistance to North Koreans outside North Korea. This would include refugees, orphans, widows, and trafficking victims.

The bill endorses U.S. support for providing humanitarian aid inside North Korea but conditioning increases over current levels upon significant improvements in transparency, access, and monitoring. To date, we have had

no transparency; very little monitoring has been able to take place of the humanitarian aid we have provided to North Korea. It conditions future direct aid to the North Korean Government on substantial progress on human rights and transparency benchmarks.

Let me elaborate a little bit on this final point. In an AP story this morning that ran in the *Kansas City Star*, appearing in many papers across the country, the headline reads: "North Korea Asking for More Foreign Aid." The article quotes an NGO official that the North Korean Government wants not only additional humanitarian aid but also technical assistance and developmental cooperation.

At the same time, we have stories and information from Secretary of State Colin Powell warning North Korea against conducting a new missile test.

It would be naive for us to think that North Korea was not making a connection between the two. That is, if aid is not forthcoming, they will test new missiles. If that is not blackmail, I don't know what is. This bill will make it clear that as a matter of U.S. policy, we will not give in to those threats.

At the same time, I doubt that anyone in this body would oppose providing aid if there were assurances that the distribution and use of such aid were conditioned on substantial improvement in human rights and transparency benchmarks, that NGOs would get complete access to vulnerable populations, that such aid would be clearly marked and targeted for children and people in need and not the North Korean military apparatus, and that the North Korean Government demonstrates that it is cooperating with NGOs.

The bill additionally protects refugees by clarifying U.S. policy toward North Korean refugees, and the eligibility of North Koreans for U.S. asylum and refugee processing; urging the U.N. High Commission for Refugees to use all available means to gain access and provide assistance to North Koreans in China; and seeking solutions to North Korea's lack of access to refugee protections.

As amended, the bill also asks the President to appoint a special envoy for human rights in North Korea, a person of high distinction. We have in mind someone such as former Senator John Danforth, now the U.N. Representative for the United States to the U.N., who was so instrumental in bringing together the north/south peace accords in Sudan.

In addition, the bill requires a number of reports that will keep the issue of human rights front and center so that even as we continue to seek a resolution to the nuclear issue, which we should, that this matter of human rights is not swept under the carpet and that the matter of human rights does not become a mere afterthought.

For too long, we have challenged rogue regimes on such fundamental

issues and values as freedom of thought, religion, assembly, and press to back down now. We are not going to. We are going to continue to challenge rogue regimes, such as North Korea, on how they treat their own people.

As experience has taught us, during the Cold War and the battle over ideas during that period, these are some of the most effective ways in which we can promote freedom: open and democratic institutions within these countries.

Recently, a leading member of South Korea's Congress said to me in my office that North Koreans fear the West's criticism of its human rights more than any criticism about its nuclear program. North Korea will throw up all kinds of bluster when it comes to their threat as a potential nuclear power, but if you engage them on human rights, they become silent because even they know they cannot hide from the shame of the crimes they have committed against their own people.

With this bill, the regime in Pyongyang will now have to answer for itself in multiparty talks or any other setting on such matters as the gulags, chemical experiments on human beings, the denial of food and deliberate policies of starvation as a political tool, and a thousand other ways they violated human rights by which this regime in Pyongyang maintains its tenuous hold on power.

I know some were concerned about the impact of the bill, but the bill does not tie the hands of the President and ongoing negotiations over North Korean nuclear activities. Rather, I believe this bill will strengthen our negotiating position.

As I said at the outset, I thank the chairman of the Foreign Relations Committee and the ranking member, Chairman LUGAR and Ranking Member BIDEN, and their staff for their assistance in getting this bill to the floor. Hopefully, as I said, it will clear on Monday.

I thank the International Relations Committee, Chairman LEACH of the Asia Pacific subcommittee and his staff, Jamie McCormick and Doug Anderson. Both Chairman HYDE and Congressman LANTOS were critical in securing a bipartisan consensus in getting this bill to the floor in the House.

I also recognize Peter Yeo of Mr. LANTOS' staff and Sean Woo of my staff for the tremendous work in getting this moving forward.

There is a humanitarian crisis in North Korea, a human rights crisis, and I believe on a humanitarian basis, we are seeing in places such as North Korea and the Sudan a use of a humanitarian tool to maintain power and, in the process, people are dying and being killed.

Countries such as North Korea and Sudan have created an axis of death on their own people. This should not be, and it should not be allowed to take place in this world today. We need to stand up for the human dignity of



every person, wherever they are located in the world.

The North Korea Human Rights Act highlights this problem and establishes a position for this country that hopefully will be a model position for many countries around the world in dealing with the human rights tragedy inside North Korea.

I thank the Members of this body for allowing this presentation. I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DASCHLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### HELP THE VICTIMS OF AGRICULTURAL NATURAL DISASTERS

Mr. DASCHLE. Mr. President, South Dakotans have always been generous when our fellow Americans, even those living thousands of miles away, are suffering.

After September 11, we saw equipment makers, firefighters, school children, scout troops, church organizations, and countless other South Dakotans donate whatever they could to the victims. One ranch couple, themselves struggling, even sold 100 calves and dedicated the proceeds to the victims.

As hurricanes ravaged, and continue to threaten, Florida, South Dakotans sent not only their prayers, but also generators and plywood. Yet, while all of these things have taken place, South Dakota has been experiencing its own disaster, the slow-motion disaster of drought.

For the last several years, South Dakotans have been impacted to varying degrees by drought. In fact, 2002 was the worst drought since the Dust Bowl year of 1936. That is why I have worked so hard to get natural disaster aid for our state in the 2002 farm bill. The provision was not in the House-passed farm bill, and it was opposed and eventually stopped by the administration.

That is why I felt that as the Senate considered disaster assistance for the people of Florida, it was time for us to look for ways to help the people of South Dakota and other areas of the Nation who have been the victims of agricultural disasters. Make no mistake about it, this aid would help farmers and ranchers in Florida who have lost a majority of their citrus crop, much of the nursery stock and hundreds of head of cattle. In fact, farmers in Mississippi, Alabama, Louisiana, and Georgia and all along the eastern seaboard were seriously damaged by the myriad hurricanes, and the devastation may not be over. But for farmers and ranchers in the upper Midwest, the drought has continued for years.

On August 17, I wrote to the President expressing my support for assist-

ance to hurricane victims and asking him to include other natural disaster victims, including drought-related disaster relief, in any emergency-funding request that he might send to Congress. While the Bush administration did not include this funding in its emergency hurricane funding requests, I still believed there was a way to secure this assistance.

When the first disaster assistance bill for Florida was on the floor of the Senate, I attempted to include agricultural disaster assistance in that legislation. While a procedural maneuver blocked that effort, we were able to secure a commitment from Senator FRIST to allow a vote on drought relief as part of the Homeland Security appropriations measure. On September 15, we got that vote, and the Senate passed a bipartisan provision for \$2.9 billion in emergency disaster relief to agricultural producers.

This is a tremendously important for farmers and ranchers throughout the Nation, including those in South Dakota. It is important for our nation's rural economy, and for all of the communities that have waited too long for this relief.

The package includes \$2.5 billion in assistance to crop producers through the crop disaster program, \$475 million to livestock producers through the livestock assistance program, and \$20 million for the tree assistance program. While some of us would have preferred assistance for both 2003 and 2004, the provision that passed would allow producers to choose compensation for either the 2003 or 2004 crop year.

The Senate's passage of this assistance is not the final step in this process, and the Senate and the House are currently meeting to resolve the differences they have with the Homeland Security bill.

I am deeply troubled by news reports that some in the House Republican leadership and the Bush administration are opposed to this most recent emergency aid provision. I would hope that the broad bipartisan support for this disaster provision in the Senate will convince the House and the President to provide the support farmers and ranchers across the country so badly need.

I wholeheartedly support providing States like Florida with the assistance they need to bounce back from a hurricane. By unanimously approving this agriculture-related disaster aid, the Senate also acknowledged something South Dakotans know far too well: victims of agricultural natural disasters are no less deserving of assistance than victims of hurricanes, floods, or tornadoes.

In South Dakota, we believe in helping our neighbors through tough times. But sometimes, we need some help, too.

I am hopeful that help will soon be on the way, and the administration will reverse its long-standing opposition to agricultural disaster aid for

farmers and ranchers throughout the Nation.

#### STATUS OF THE TRANSPORTATION BILL

Mr. DASCHLE. Mr. President, I want to say a few words about the state of the transportation bill. That bill expired a year ago, and we have been operating on short-term extensions ever since. The delay has denied us the opportunity to create over 100,000 jobs and has led to continuing uncertainty in the States as they try to make contract and construction decisions without knowing what funding will be available. Our states, our communities, and our infrastructure deserve better.

It is not as if there have been no efforts to pass a new and stronger transportation bill. The Senate-passed transportation bill was a model of bipartisanship. It met the needs of States like South Dakota, which have a sparse population, but have a large geography and many miles of roads. Likewise, it ensures that the more populated States were treated fairly.

In the Senate bill, we were able to reach an agreement that worked for everyone. Our bill not only treated States fairly, but it treated transit fairly. There has often been a struggle between highways and transit, and the Senate bill struck a good balance. More importantly, it was a bill that did right by America's families, making critical investments in our infrastructure, and creating nearly 2 million jobs in the process.

The one area where we were unable to reach agreement was on the rail provisions, and I am hopeful that we can work to remedy that as we move forward. Having a dependable and affordable rail system to transport goods, including agricultural commodities, is critical to our Nation.

It is clear to me that despite the broad bipartisan agreement we were able to reach in the Senate, the rejection of that agreement by the President and some of the House majority leadership means that we are being denied the opportunity to debate and pass a bipartisan transportation bill.

Senators BOND and REID have suggested that we give some certainty to the States by ensuring that they will have a steady funding stream for the next 6 months. Senator SHELBY and Senator SARBANES, our leaders on the Banking Committee and on transit issues, agree. I, too, think that this is, unfortunately, the best course of action given the situation in which we find ourselves. And so I am hopeful that the majority leader will take up the bill early next week.

The reason for not completing this bill is clearly over the question of resources. The administration has not been willing to consider any bill that is anything other than their proposed \$256 billion. In fact, the President threatened to veto both the House and Senate-passed bills because they contained

greater levels of investment. And yet, to invest significantly less than the Senate was willing to invest fails to meet the goals I just discussed: to treat all States and modes of transportation fairly.

That does not mean that the Senate level is the only level and that a long-term bill cannot be completed at a lower investment level. But I have not seen, nor do I believe that anyone has seen, a willingness to seriously discuss that possibility.

Thus, we find ourselves in the unfortunate position of once again being up against the end of another extension. Rather than keeping States in the dark about their future, it seems to me that the bipartisan approach of Senators BOND, REID, SHELBY and SARBANES makes sense. In fact, several transportation groups have also called for a longer-term extension. As I said, I hope and urge the majority leader to take up the Bond-Reid transportation extension early next week.

Transportation has, by and large, been a bipartisan endeavor. After all, our economy, our infrastructure, and our Nation's families need and deserve a good transportation bill, one that will create good jobs and provide the investments in our Nation's infrastructure that are so desperately needed. I am hopeful that we can do better, that we will renew our efforts and continue to work as hard as possible to find the bipartisan solution that has been so elusive. And I hope that we can reach that compromise sooner rather than later.

I yield the floor.

#### HOMELAND SECURITY NEEDS A GREEN LIGHT, NOT A BLUE SLIP

Mr. BYRD. Mr. President, last week, the Senate approved overwhelmingly the fiscal year 2005 Homeland Security Appropriations bill. This bill makes critical investments in our protections here at home. And in light of the constant threat warnings from law enforcement and homeland security officials, those investments cannot be made quickly enough. Yet it has been 10 days since the Senate passed the measure and the House has not even appointed conferees.

Why has any progress toward protecting the people hit a brick wall? The legislation is in jeopardy because of the judgment of the chairman of the House Ways and Means Committee. I do not intend to talk about the chairman in a negative light. But I must point out to Senators that the chairman's actions could jeopardize the entire Homeland Security Appropriations bill.

During Senate debate, Democrat and Republican Senators worked to invest additional dollars in homeland security. We must work to close the gaps in our protections here at home. Too many exist, and you can be sure that, if we know where those gaps are, so do the terrorists.

That is why it was welcomed on both sides of the aisle when the Senator from Montana, Mr. BAUCUS, suggested a way to include \$784 million in homeland security protections without violating arbitrary congressional spending limits. The Senator from Montana suggested that we help to protect Americans from terrorist attack by extending existing customs user fees that are set to expire in March 2005. It was a commonsense approach, one that I applaud Senator COCHRAN, the chairman of the Senate Appropriations Homeland Security panel, and the majority leader, Senator FRIST, for embracing. It was common sense because many of the agreement provided funding to key programs within the Department of Homeland Security, most of which are customs related, and did so without violating the budget caps or adding to the deficit.

The Senate adopted that funding, approved the bill, and asked the House for a conference. We were making progress. We were helping to save lives.

But then came the disappointment. The Senate was informed that the chairman of the Ways and Means Committee has recommended that the House of Representatives "blue-slip" this legislation, returning the measure to the Senate. But the funding will help to protect this country from attack, and we should not allow congressional turf battles to stop it.

Congressman MARTIN OLAV SABO, the ranking member of the House Appropriations Homeland Security Subcommittee, and I have written to the Speaker of the House and urge that the Speaker help to move this legislation forward. We ought to send it to conference, complete our work, and help to protect our country. Delay is unacceptable.

The additional funding provides needed investments to protect our borders, equip first responders, enhance air and rail security, and ensure that security measures are provided to harden potential terrorism targets.

Specifically, the additional funding will allow Customs and Border Protection to purchase additional radiation detectors to respond to the threat of a nuclear or radiological weapon being smuggled into this country. CBP is far behind on its plan for deploying 2,037 radiation portal monitors at our ports. The additional \$50 million provided by this amendment will allow CBP to deploy radiation portal monitors to screen 100 percent of inbound containerized cargo at 30 additional seaport terminals.

This investment will provide Immigration and Customs Enforcement with an additional \$50 million to address a manpower shortage within the Federal Air Marshal program and be more aggressive in placing air marshals on high-interest flights.

The funding being stymied in the House would increase resources to equip and train our nation's firemen by providing an additional \$50 million

through the fire grants program, which is one of the best run programs in the Federal Government.

The money would address the shortage of border employees by providing \$150 million for more border inspectors and agents, and immigration and customs criminal investigators. The Department of Homeland Security has not yet met the northern border staffing goals set in the U.S. PATRIOT Act. An additional \$50 million is also included for the detention and removal of illegal aliens.

This amendment strengthens the northern border by providing an additional \$200 million to speed up the development of five air wings along the northern border which will track, identify, and intercept aircraft that are unauthorized to enter U.S. airspace.

The funds advance efforts to protect the millions of Americans who use public transportation over 32 million times per work day. The additional \$128 million was approved by the Senate so that the Department can pursue investments to harden the security of transit systems by investing in additional law enforcement, canine teams, and training.

The legislation invests an additional \$56 million to the Emergency Management Performance Grants program to help emergency managers at the state and community level to prepare, respond, and recover from all hazards.

Finally, the bill ensures that \$50 million goes to high-risk non-profit organizations to develop security plans and make necessary improvements to prevent a terrorist attack.

The Department of Homeland Security is working day and night to stop potential terrorist attacks. But the Department cannot operate if it does not have any money. We cannot wait to address gaps in our nation's defenses while this new department is crafted. Terrorists will not wait to attack anew.

We cannot afford delay. The Senate has passed this critical legislation; now it requires the approval of the entire Congress. This bipartisan legislation must move quickly to bolster our weaknesses, address our shortfalls, and protect American lives.

I urge the Speaker, and the chairman of the House Ways and Means Committee to drop this threat of delay. The President, the Vice President, the Secretary of Homeland Security, the Attorney General, the CIA Director, and the FBI Director have each stated quite clearly that the country is at risk of attack. It serves no one's best interests to bicker over turf battles when lives are at stake. For the sake of the people, for the sake of the nation, I urge the House to strengthen the homeland security protections and make life more difficult for the terrorists. Don't blue-slip this funding. Green light it instead.

# WORKING FAMILIES TAX RELIEF ACT

Mr. KOHL. Mr. President, I rise to discuss the conference report passed yesterday by the Senate, the Working Families Tax Relief Act of 2004. I supported this legislation, which will continue tax relief for thousands of middle-class families in Wisconsin and across the country. Most importantly, this bill provides for the extension of the \$1,000 child tax credit, marriage penalty relief, and the 10 percent bracket. The bill also includes extensions important to business, such as the Research and Development tax credit, which expired in June of this year. Finally, the bill includes an acceleration of the increase from 10 to 15 percent of refundability in the child credit, a provision that helps the families who need it most. The end of the fiscal year is in sight, and the expiration of these cuts would negatively impact middle-class families throughout the country. I supported this legislation because I believe it is the responsibility of Congress to do its best to provide economic stability for hard-working American families.

However, by passing this legislation, Congress is also failing in its responsibility to our troops. Under current law, many soldiers are unable to claim the Earned Income Credit or the child tax credit because combat pay is excluded from the definition of earned income. Members of the conference had an opportunity to permanently solve this oversight in current law—despite Democratic efforts, the conference report only solves the problem for two years. Without a permanent solution, men and women serving on the front lines could potentially see a tax increase in 2006. I believe Congress has a responsibility to these brave men and women, and I hope we fulfill it before the end of the year.

This legislation is far from perfect. However, I believe that the benefits it will provide to middle class families across America are essential in today's economy. I thank my colleagues.

## FOREIGN OPERATIONS APPROPRIATIONS

Mr. FEINGOLD. Mr. President, I am pleased to support the fiscal year 2005 Foreign Operations Appropriations bill.

Recently, the release of the 9/11 Commission report gave us all reason to redouble our efforts to focus on the importance of the foreign policy and foreign assistance priorities that are addressed in this bill. The commission's intelligence reform proposals have been the focus of most of the media attention surrounding the 9/11 report, but the commission's call for more focused, effective ways to attack the terrorists and their organizations, and, critically, to prevent the continued growth of Islamist terrorism, deserve equally intense examination and certainly deserve action. If we are to leave our

children a safer world, we must take the long view in this struggle, and we must find ways to regain the kind of international support and resolve that emerged in the aftermath of the 9/11 attacks. That support—so critical to any effort to deny terrorists sanctuary, to unravel their financial networks, and to effectively piece together the intelligence picture that can reveal their plans and weaknesses—has dipped dramatically in recent years, and we have sustained terrible losses of an extraordinarily valuable type of American power: our power to persuade, to lead, and to inspire. Throwing our support behind citizens fighting corruption abroad, helping to strengthen networks committed to fighting international crime, investing in the future by supporting child survival and health initiatives—all of these efforts, if pursued wisely, can help create a more secure world for the next generation.

In this context, it is important to note that the entire Foreign Operations Appropriations bill amounts to less than the amount that the U.S. has already appropriated for reconstruction projects in just one country: Iraq. When I reflect on this disparity, and then reflect on the fact that resources in this bill are in many cases stretched very thin—for example, the appropriators, who I know strongly support the Peace Corps, were unable to meet the administration's requested funding level for that important program—I am concerned about the balance and focus of U.S. policy in the midst of what is a truly global struggle against the terrorists who attacked this country.

I strongly support the provisions in this bill that provide resources for the fight against HIV/AIDS, and believe that the U.S. must continue to ramp up assistance—and to ensure that this assistance is effective—to honor the commitments that the President has made to the millions around the world struggling with this horrific pandemic.

I am pleased that this bill fully funds the President's request for assistance for Israel, as well as requests for Egypt, Jordan, Afghanistan and Pakistan. While the U.S. relationship with each of these important countries is complex, there can be no question that continued U.S. investment in the future of these states makes good sense.

I continue to have concerns about the assistance provided to Colombia under the Andean Counterdrug Initiative because of ongoing reports of human rights violations by armed groups in Colombia and links between paramilitary groups and the Colombian Armed Forces. I hope that the administration will take seriously the provisions in this bill conditioning the obligation of much of this assistance on whether human rights, alternative development, and fumigation requirements are met.

I am pleased that an amendment I cosponsored, expressing the need for international support for the people of Haiti, was included in this bill. The lat-

est disaster in Haiti, in which over 1,000 were killed in severe flooding caused by Tropical Storm Jeanne, has only intensified the suffering Haitians face on a daily basis from political insecurity and extreme poverty. This tragedy underscores the need for the international community to make a serious and sustained commitment to the future of Haiti.

As the ranking member of the Senate Foreign Relations Committee's Subcommittee on African Affairs, I am especially pleased that this bill provides \$5 million to establish pilot programs in the Democratic Republic of the Congo, Uganda, Burundi, and Liberia to address sexual and gender-based violence. My office worked with the appropriators on this important provisions.

I also strongly support provisions in the bill calling for improvements in the human rights situation in Uganda, and particularly calling for greater efforts devoted to civilian protection and child protection in the North. These provisions dovetail with the Northern Uganda Crisis Response Act, a bill I authored which was passed by the Senate and House and signed into law this summer.

## CONTINUING CARE FOR RECOVERING FAMILIES ACT

Mr. KENNEDY. Mr. President, one of the greatest domestic challenges facing our country today is the soaring cost of health care. It is a serious problem for millions of families. But when the chief income earner in a family suddenly becomes unemployed, the problem can be critical, and we give a helping hand. We give them the opportunity to continue their coverage through their employer for a reasonable period. Families who lost loved ones on September 11 deserve the same opportunity until they can land on their feet again.

The Continuing Care for Recovering Families Act I introduced yesterday with Senator LAUTENBERG and Senator CLINTON recognizes that many of the September 11 families are still struggling to recover and we have an obligation to assist them.

Some of the families have found ways to cover their health costs by purchasing private insurance or obtaining grant assistance on their own. For others, employers have agreed to provide coverage. For still other families, however, the safety net is about to fall apart, because their coverage is about to expire under COBRA—the temporary low-cost continuation of coverage available under current Federal law for those who change their job, lose their job, or for families that lose their chief income earner through death.

The Continuing Care for Recovering Families Act will give spouses and children of victims of September 11 the ability to purchase or continue to purchase coverage under COBRA indefinitely, as long as they enroll within 120 days after passage of the act or 120

days after they lose their COBRA coverage. Eligibility for the program would expire only if they enroll in a private insurance plan or become eligible for Medicare.

The families of September 11 have shown great courage and extraordinary resilience. But we still have much more to do to help them on their long and arduous road to recovery, and I hope very much that we can pass this legislation this year. It will only affect a small number of families. But for them, it will make a world of a difference.

#### KEEP OUR PROMISE

Mr. LEVIN. Mr. President, as the assault weapons ban expired last Monday, one of our Nation's law enforcement officers was recovering in a Miami, FL hospital from two gunshot wounds inflicted by an AK-47 rifle. According to the Brady Campaign, all models of this make of assault rifle were prohibited at the time of the attack, but are now legal due to the expiration of the assault weapons ban on September 13.

Last Monday, the Miami Herald reported that on September 12, 2004 Miami-Dade Police Officer Keenya Hubert was on a routine patrol when she heard gunshots fired in a nearby neighborhood. She spotted a suspicious vehicle leaving the area, called for backup, and pulled the vehicle over. Suddenly, the driver got out of his vehicle and fired nearly two-dozen bullets at Officer Hubert and her police car using an AK-47 assault rifle. One of those bullets struck Officer Hubert in the shoulder and another grazed her forehead. Later in the week a man was arrested in connection with this attack. Press reports indicate the man had been previously convicted of attacking two other police officers in 1997.

Unfortunately, assault rifles like the one reportedly used in the attack on Officer Hubert's life as well as many other similar assault weapons are once again being legally produced and sold as a result of the expiration of the assault weapons ban. The ban also included firearms that can accept detachable magazines and have more than one of several specific military features, such as a folding/telescoping stock, protruding pistol grip, bayonet mount, threaded muzzle or flash suppressor, barrel shroud or grenade launcher. Common sense tells us that there is no reason for civilians to have easy access to guns with these features.

In 1994, I voted for the assault weapons ban and in March of this year I joined a bipartisan majority of the Senate in voting to extend the ban for 10 years. Unfortunately, despite the overwhelming support of the law enforcement community, the ongoing threat of terrorism, and bipartisan support in the Senate, neither the President nor the Republican Congressional leadership acted to protect Americans

from assault weapons like the one used in the attack on Officer Hubert.

Last week, Sarah Brady, the wife of Jim Brady who was shot in John Hinckley's attempted assassination of President Reagan, issued an open letter to President Bush expressing disappointment in his decision to allow the assault weapons ban to expire.

Mr. President, I hope that in the remaining days of the 108th Congress the Republican leadership and the President will reverse course and act to extend the assault weapons ban.

I ask unanimous consent that Sarah Brady's letter to President Bush be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SEPTEMBER 14, 2004.

DEAR PRESIDENT BUSH: I cannot begin to express my disappointment in your decision to let the Assault Weapons Ban expire yesterday.

Four years ago you said you supported renewal of the assault weapons ban, though you made it clear that you were generally opposed to reasonable gun violence prevention laws. I was very happy to hear you say it then, because it was a sensible position, and one long supported by such conservative leaders as Ronald Reagan and Barry Goldwater. As a lifelong Republican, it gave me hope that my party would move away from the knee-jerk tendency to oppose whatever the gun lobby said Republicans should oppose.

Now, these guns, designed by military scientists to inflict the maximum level of damage to human beings, are back on our streets.

You have broken your promise to the American people and you should be ashamed. Jim and I loved Ronald Reagan, and one of the main reasons we loved him was that he was always, always, true to his word.

This law worked, and it saved lives. It saved the lives of police officers and children. You cast your support aside for a political endorsement. We all pay prices in life for our actions. I hope the American people will make you pay a price for this decision.

In your current campaign, you are pledging to keep America safe. But your conscious decision to let this ban expire has placed us all in jeopardy.

The expiration of this law is temporary. It will be renewed: It is only a matter of how long it will take to renew it. There is still time for you to show leadership, do the right thing, and restore this law. But know that Jim and I will continue our efforts to restore the ban, with or without your help. And we will succeed. Lives are hanging in the balance.

Mr. President, step forward and do the right thing.

Sincerely,

SARAH BRADY.

#### RELEASE OF YASER HAMDI

Mr. LEAHY. Mr. President, at a hearing Wednesday before the Judiciary Committee, I asked some tough questions about the record of the Department of Justice in prosecuting terrorism cases. Later that day, the Department announced the imminent release of Yaser Esam Hamdi, the so-called "enemy combatant" who has been held for nearly 3 years without

being formally charged with any crime. During this period, the Bush administration argued that it could deny Hamdi, a U.S. citizen, due process and detain him indefinitely. In June, the Supreme Court struck down the administration's assertion of unchecked executive power, ruling that Hamdi had the right to challenge his detention. Rather than proceed in court, the Justice Department now says that it will release Hamdi, who will renounce his U.S. citizenship and join his family in Saudi Arabia.

The Justice Department has claimed that Hamdi fought with the Taliban and posed a threat to our national security. Hamdi claimed that he was an innocent captured in Afghanistan by the Northern Alliance. We simply do not know the truth. But, as the Rutland Herald correctly points out in its editorial Thursday, that is what trials are for. If Hamdi was a combatant, or a civilian caught up in a combat zone, he should have been treated in accordance with the Geneva Conventions, which provide for the treatment of soldiers and civilians in wartime. If Hamdi committed a crime, he should have been charged and tried. The timing of his release is curious. Three months after the Supreme Court rejected the administration's refusal to grant Hamdi due process, the Justice Department suddenly determined that Hamdi no longer posed a threat. Now it will release a person it previously claimed was so dangerous that he had to be held for years in a military brig, mainly in solitary confinement.

The Attorney General relied on powerful rhetoric to defend the Department's record. He liked to say that no one had successfully challenged the Government's use of authority under the PATRIOT Act and that no court had found the Government had overreached. Since the Supreme Court decisions on Hamdi and related cases last summer, it has become harder for him to make such claims. Those Court decisions do not stand alone in defining the Department's level of success, however. The list of reversals of this Administration's policies and practices has become extensive. From the Department's involvement in rewriting our country's adherence to the Geneva Convention and the Convention Against Torture, which contributed to the breakdown at the Abu Ghraib prison and elsewhere, to the Supreme Court's rejection of the administration's Guantanamo practices, there is much that needs attention and correction.

Indeed, the Justice Department has accumulated one loss after another in terrorism cases. In recent weeks, we have witnessed the unraveling of the Department's first post-September 11 prosecution of a terrorist sleeper cell in Detroit. This followed on the heels of a growing list of losses and questionable cases, including the wrongful arrest of a Portland attorney based on a fingerprint mismatch; the acquittal of

a Saudi college student who was charged with providing material support to terrorists; the release on bail of two defendants in Albany, NY, after the Government admitted having mistranslated a key piece of evidence—the evidence referred to one defendant as “brother,” not “commander,” as originally represented; the collapse of all charges against Muslim chaplain, James Yee, an Army Captain who served at Guantanamo and was originally accused of espionage; and the Supreme Court’s repudiation of the administration’s claim that it can hold citizens indefinitely as “unlawful combatants,” without access to counsel or family. In addition to announcing its decision to release Hamdi 2 days ago, the Government also folded its case against Ahmad al Halabi, a Senior Airman who served as a translator at Guantanamo Bay. Al Halabi once faced the death penalty for spying. He ultimately pled guilty to four minor charges, such as photographing a guard tower and taking a classified document to his quarters; other charges were dropped.

The fact is, there have been only a few real victories in cases that have brought terrorism charges since 9/11, and these have been overshadowed by seemingly half-hearted prosecutions. We all remember the antiterrorism sweeps that occurred after 9/11. The Justice Department detained over 5,000 foreign nationals in those sweeps, but, as law professor David Cole points out in an article in the October 4, 2004, edition of *The Nation*, not a single one of them was charged with terrorism.

Department officials say their record since the 2001 attacks reflects a successful strategy of catching suspected terrorists before they can launch deadly plots, even if that involves charging them with lesser crimes. I certainly will not contest that lesser crimes are being charged. According to the Transactional Records Access Clearinghouse (TRAC), of the approximately 184 cases disclosed as “international terrorism” matters, 171 received a sentence of one year or less. But is that making us safer? What exactly happens to a suspected terrorist who spends 6 months in prison and then is deported to his country of origin in the midst of a war that has no end in sight? Does it really squelch deadly plots?

The administration has yet to answer pointed questions about the deportation of Nabil al-Marabh to Syria, a nation that is a state sponsor of terrorism. Al-Marabh was at one time Number 27 on the FBI’s list of Most Wanted Terrorists, and experienced prosecutors wanted to indict him. Why was he released? According to court records, Al-Marabh shared an address with defendants in the Detroit case who are now facing only document fraud charges. What is going on here?

We still await the resolution of the case against Jose Padilla. The Attorney General made a frightening announcement from Moscow when Jose

Padilla was arrested—as if the Government had miraculously averted a radioactive “dirty bomb” from being detonated in our heartland. As Deputy Attorney General James Comey represented to the Federal courts a few months ago, the Government no longer even contends that Mr. Padilla was engaged in a “dirty bomb” plot. We have yet to see criminal charges against him, but I hope that we will. The Attorney General always finds time to announce allegations and dangers to frighten the American people but never seems to have time to be accountable when those specters prove false, when criminal cases can not be made, or when the Government has overreached or when innocent Americans have been unfairly accused.

We will soon be asked to give the Government more tools, more powers, and even greater authorities. I hope that we will not be asked to add PATRIOT Act-related powers to legislation to implement 9/11 Commission recommendations. The families of 9/11 victims have asked us to focus only on those actions endorsed by the Commission. We should honor this request. Before Congress considers granting the Government more powers to add to the Federal arsenal, we must determine which tools are actually being used, and how are they working? Which tools are subject to abuse, and which need to be modified? I hope that we can start getting some of those answers.

I ask unanimous consent to print in the *RECORD* the Rutland Herald editorial and *The Nation* article I mentioned earlier.

There being no objection, the material was ordered to be printed in the *RECORD*, as follows:

[From the Rutland Herald, Sept. 23, 2004]

#### CONSTITUTIONAL VICTORY

One of the most alarming abuses in President Bush’s war on terrorism has come to a peculiar resolution. On Wednesday the government announced it would release Yaser Hamdi from custody.

Hamdi is an American citizen, born in Louisiana, and an Arab whose family lives in Saudi Arabia. U.S. forces gained custody of Hamdi when Northern Alliance officials handed him over during the war in Afghanistan. The U.S. military was rounding up Taliban fighters, and Hamdi ended up in Guantanamo, Cuba.

Hamdi said he was wrongfully captured by the Northern Alliance in northern Afghanistan and was wrongfully imprisoned by the U.S. military. But the Bush administration viewed him as an “enemy combatant,” a designation that led to the government’s asserted claim that it had the power to rob Hamdi of all his rights.

It is unknown whether Hamdi is telling the truth when he says he had nothing to do with the Taliban and was not involved in the Afghan war. In America that is what trials are for. Until found guilty of a crime, suspects are presumed innocent and are protected by an array of constitutional rights.

These rights ought to be cherished by every American. Otherwise each person is vulnerable to government abuse. These include the right to legal representation, the right to know the charges one is facing, the right to bail, and the right to a speedy and

fair trial. Unrestrained by these rights, the government could jail any one of us on the flimsiest of excuses—or with no excuses.

It was a shocking event when the Bush administration claimed it had the power to deny Hamdi all of those rights. The claim was not made on the basis of any evidence or charge. Bush was asserting he had the right to declare anyone he saw fit to be an enemy combatant and to lock him or her up with no trial, no charges, no legal representation.

Hamdi was just one man; there is one other, Jose Padilla, who is being held on similar charges. But the power arrayed against him was the power of a police state—until the Supreme Court stepped in.

In June, the court ruled, 8-1, that Bush did not have the power to discard the Constitution and that Hamdi had the right to contest his detention. It was a victory celebrated by civil libertarians of the left and the right. Then on Wednesday the government announced it would release Hamdi to Saudi Arabia, where he would rejoin his family, and he would renounce his U.S. citizenship.

So for nearly three years the U.S. government, on the say of President Bush, held a U.S. citizen in solitary confinement on no charges. The Supreme Court has shown that, in our constitutional system, the judiciary remains an essential line to protect us against governmental abuse. Authoritarian regimes frequently cite dangers to civil order as an excuse to round up and jail people who are out of favor. In Bush’s hands the war on terrorism had become a war on the Constitution. It appears that, fortunately, this time the Constitution has won.

[From the Nation]

#### TAKING LIBERTIES

(By David Cole)

On September 2, a federal judge in Detroit threw out the only jury conviction the Justice Department has obtained on a terrorism charge since 9/11. In October 2001, shortly after the men were initially arrested, Attorney General John Ashcroft heralded the case in a national press conference as evidence of the success of his anti-terror campaign. The indictment alleged that the defendants were associated with Al Qaeda and planning terrorist attacks. But Ashcroft held no news conference in September when the case was dismissed, nor did he offer any apologies to the defendants who had spent nearly three years in jail. That wouldn’t be good for his boss’s campaign, which rests on the “war on terrorism.” Here, as in Iraq, Bush’s war is not going as well as he pretends.

The Detroit case was extremely weak from the outset. The government could never specify exactly what terrorist activity was allegedly being planned and never offered any evidence linking the defendants to Al Qaeda. Its case consisted almost entirely of a pair of sketches and a videotape, described by an FBI agent as “casing materials” for a terrorist plot, and the testimony of a witness of highly dubious reliability seeking a generous plea deal. It now turns out that the prosecution failed to disclose to the defense evidence that other government experts did not consider the sketches and videotape to be terrorist casing materials at all and that the government’s key witness had admitted to lying.

Until that reversal, the Detroit case had marked the only terrorist conviction obtained from the Justice Department’s detention of more than 5,000 foreign national in antiterrorism sweeps since 9/11. So Ashcroft’s record is 0 for 5,000. When the Attorney General was locking these men up in the immediate wake of the attacks, he held almost daily press conferences to announce how many “suspected terrorists” had been

detained. No press conference has been forthcoming to announce that exactly none of them have turned out to be actual terrorists.

Meanwhile, despite widespread recognition that Abu Ghraib has done untold damage worldwide to the legitimacy of the fight against terrorism, the military has still not charged any higher-ups in the Pentagon, and the Administration has shown no inclination to appoint an independent commission to investigate. It prefers to leave the investigation to the Justice Department and the Pentagon, the two entities that drafted secret legal memos defending torture.

And in late July, resurrecting the ideological exclusion practices so familiar from the cold war, the Department of Homeland Security revoked a work visa for a prominent Swiss Islamic scholar who had been hired by Notre Dame for an endowed chair in its International Peace Studies Institute. DHS invoked a Patriot Act provision that, like the McCarran-Walter Act of the cold war, authorizes exclusion based purely on speech. If a person uses his position of prominence to "endorse" terrorism or terrorist organization, the Patriot Act says, he may not enter the United States. The McCarran-Walter Act, on the books until its repeal in 1990, was used to exclude such "subversives" as Czeslaw Milosz and Graham Greene. This time the man whose views are too dangerous for Americans to hear firsthand is Tariq Ramadan, a highly respected intellectual and author of more than twenty books who was named by Time magazine as one of the hundred most likely innovators of the twenty-first century.

Notre Dame is not known as a hotbed of Islamic extremism—and Ramadan is no extremist. He argues for a modernized version of Islam that promotes tolerance and women's rights. Two days after 9/11 he called on fellow Muslims to condemn the attacks. In short, Ramadan is precisely the kind of moderate voice in Islam that the United States should be courting if it hopes to isolate Al Qaeda. The barring of Ramadan reinforces the sense that the Administration cannot or will not distinguish between moderates and extremists and is simply anti-Muslim.

What is most troubling is that none of these developments—the revelation of prosecutorial abuse in the interest of obtaining a "win" in the war on terrorism; the continuing failure to hold accountable those most responsible for the torture at Abu Ghraib; and the exclusion of a moderate Muslim as too dangerous for Americans to hear—is an isolated mistake. Rather, they are symptoms of a deeper problem. The President thinks he can win this war by "acting tough" and treating the rule of law and constitutional freedoms as optional. With enough fearmongering, that attitude may win him the election. But it will lose the war. Bush is playing right into Al Qaeda's hands by further alienating those we most need on our side.

#### MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 2844. A bill to designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act.

S. 2845. A bill to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

#### INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. REID (for himself and Mr. ENSIGN):

S. 2846. A bill to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the University and Community College System of Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

#### SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. VOINOVICH:

S. Res. 435. A resolution congratulating the Croatia Fraternal Union of America on its 110th anniversary; to the Committee on the Judiciary.

#### ADDITIONAL COSPONSORS

S. 556

At the request of Mr. CAMPBELL, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 556, a bill to amend the Indian Health Care Improvement Act to revise and extend that Act.

S. 2671

At the request of Mr. SMITH, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2671, a bill to extend temporary State fiscal relief, and for other purposes.

S. 2789

At the request of Mr. BROWNBACK, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 2789, a bill to reauthorize the grant program of the Department of Justice for reentry of offenders into the community, to establish a task force on Federal programs and activities relating to the reentry of offenders into the community, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mr. ENSIGN):

S. 2846. A bill to provide for the conveyance of certain Bureau of Land Management land in the State of Nevada to the University and Community College System of Nevada, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. REID. Mr. President, I rise today for myself and Senator ENSIGN to introduce the Nye County Higher Education Campus Conveyance Act. This bill would transfer 280 acres of federal land in Nye County, NV, to the University and Community College System of Nevada for a much-needed college campus.

As you may know, southern Nevada is one of the most rapidly growing regions of the country. For some time now, growth has been progressing out of Las Vegas, over the mountains, and into nearby surrounding areas. The Pahrump Valley in Nye County is one such area that is growing. However, Nye County does not have a single institution of higher learning to serve its now more than 33,000 residents.

This bill would set the stage to change that. The land conveyed by this bill would become the home of a college campus with facilities shared among the Community College of Southern Nevada, Nevada State College, and the Nye County School District.

In other States, educational systems can acquire land to accommodate growth relatively easily. In Nevada, where the Federal government owns 87 percent of the land, even a new college campus requires an Act of Congress.

The college campus that this bill would enable will become an exceptional asset not only to the citizens of Nye County, but to all Nevadans and ultimately to the Nation as a whole.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 2846

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Nye County Higher Education Campus Conveyance Act".

#### SEC. 2. DEFINITIONS.

(a) DEFINITIONS.—In this Act:

(1) CHANCELLOR.—The term "Chancellor" means the Chancellor of the University system.

(2) COUNTY.—The term "County" means the County of Nye, Nevada.

(3) COLLEGE.—The term "College" means the Nye County Nevada Higher Education Campus in Pahrump Valley, Nevada, a component of the University system.

(4) FEDERAL LAND.—The term "Federal land" means the parcel of Bureau of Land Management land identified on the map as the N $\frac{1}{2}$  (excluding the NW $\frac{1}{4}$ NW $\frac{1}{4}$ ) of sec. 2 of T. 21 S., R. 54 E.

(5) MAP.—The term "map" means the map entitled "Southern Nevada Public Land Management Act" and dated October 1, 2002.

(6) STATE.—The term "State" means the State of Nevada.

(7) UNIVERSITY SYSTEM.—The term "University system" means the University and Community College System of Nevada.

#### SEC. 3. CONVEYANCE TO THE UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA.

(a) IN GENERAL.—Notwithstanding the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.) and section 1(c) of the Act of June 14, 1926 (commonly known as the "Recreation and Public Purposes Act") (43 U.S.C. 869(c)), not later than 1 year after the date on which a survey defining the official metes and bounds of the Federal land is approved by the Secretary, the Secretary shall convey to the University system without consideration, all right, title, and interest of the United States in and to the Federal land for use as a campus for the College.



## (b) CONDITIONS.—

(1) IN GENERAL.—As a condition of the conveyance under subsection (a), the Chancellor shall agree in writing—

(A) to pay any administrative costs associated with the conveyance, including the cost of any environmental, wildlife, cultural, or historical resources studies;

(B) to use the Federal land conveyed for educational and recreational purposes;

(C) to release and indemnify the United States from any claims or liabilities which may arise from uses that are carried out on the Federal land on or before the date of enactment of this Act by the United States or any person;

(D) as soon as practicable after the date of the conveyance under subsection (a), to erect at the College an appropriate and centrally located monument that acknowledges the conveyance of the Federal land by the United States for the purpose of furthering the higher education of citizens in the State; and

(E) to assist the Bureau of Land Management in providing information to the students of the College and the citizens of the State on—

(i) public land in the State; and

(ii) the role of the Bureau of Land Management in managing, preserving, and protecting the public land.

(2) VALID EXISTING RIGHTS.—The conveyance under subsection (a) shall be subject to all valid existing rights.

## (c) USE OF FEDERAL LAND.—

(1) IN GENERAL.—The University system may use the land conveyed under subsection (a) for—

(A) any purpose relating to the establishment, operation, growth, and maintenance of the College; and

(B) any uses relating to those purposes, including residential and commercial development that would generally be associated with an institution of higher education.

(2) OTHER ENTITIES.—The University system may—

(A) consistent with Federal and State law, lease or otherwise provide property or space at the College, with or without consideration, to religious, public interest, community, or other groups for services and events that are of interest to the College, the University system, or any community located in the County;

(B) allow the County or any other community in the County to use facilities of the College for educational and recreational programs of the County or community; and

(C) in conjunction with the County, plan, finance (including through the provision of cost-share assistance), construct, and operate facilities for the County on the Federal land for educational or recreational purposes consistent with this section.

(d) REVERSION.—If the Federal land or any portion of the Federal land conveyed under subsection (a) ceases to be used for the College, the Federal land or any portion of the Federal land shall, at the discretion of the Secretary, revert to the United States.

## SUBMITTED RESOLUTIONS

## SENATE RESOLUTION 435—CONGRATULATING THE CROATIAN FRATERNAL UNION OF AMERICA ON ITS 110TH ANNIVERSARY

Mr. VOINOVICH submitted the following resolution; which was referred to the Committee on the Judiciary:

## S. RES. 435

Whereas the Croatian Fraternal Union of America will celebrate its 110th anniversary on Sunday, September 26, 2004;

Whereas on September 2, 1894, Mr. Zdravko V. Muzina established the Croatian Fraternal Union in old Allegheny City, Pennsylvania;

Whereas the Croatian Fraternal Union began as a means to establish an insurance society to provide coverage for its members and their families;

Whereas the Croatian Fraternal Union of America is the largest Croatian organization outside of the Republic of Croatia, with tens of thousands of members in the United States; and

Whereas the members of the Croatian Fraternal Union remain active and engaged in efforts to provide their members with a secure foundation celebrating their Croatian heritage: Now, therefore, be it

*Resolved*, That the Senate—

(1) recognizes the Croatian Fraternal Union of America on the occasion of its 110th anniversary; and

(2) congratulates the members of the Croatian Fraternal Union on reaching this significant milestone.

Mr. VOINOVICH. Mr. President, I rise today to submit a resolution congratulating the Croatian Fraternal Union of America on the occasion of its 110th anniversary.

This weekend, members of the Croatian Fraternal Union will gather in Pittsburgh, PA to celebrate this significant event. As the CFU prepares for this celebration, I would like to extend my best wishes to Mr. Bernard Luketich, who serves as President of the CFU, and whom I have had the pleasure of knowing and working with for many years.

The Croatian Fraternal Union in Ohio, particularly in the Cleveland area, has for decades promoted the understanding and preservation of the Croatian heritage. Through its many cultural festivals, dances and other events, the local lodges have worked to ensure that the Croatian culture has remained strong and vibrant in Ohio.

I am honored to be a member of the Zumberak Lodge 859, and I attend as many of the lodge's events as my schedule allows. I fondly remember taking my own granddaughters to see the CFU sponsored Tamburitza performance, because I know it was important to expose the next generation to this wonderful art form and culture. This is the sort of important role that the Croatian Fraternal Union's lodges have filled for the past 110 years, which continues today.

## AUTHORITY FOR COMMITTEES TO MEET

## COMMITTEE ON FOREIGN RELATIONS

Mr. CORNYN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, September 24, 2004 at 9:30 a.m. to hold a hearing on the Dutch Tax Treaty.

## SUBCOMMITTEE ON FISHERIES, WILDLIFE, AND WATER

Mr. CORNYN. Mr. President, I ask unanimous consent that the Sub-

committee on Fisheries, Wildlife, and Water be authorized to meet on Friday, September 24, 2004 at 9 a.m. to conduct an oversight hearing to review State and private programs for sage grouse conservation.

The hearing will be held in SD 406.

LEGISLATIVE BRANCH  
APPROPRIATIONS ACT, 2005

On Tuesday, September 21, 2004, the Senate passed H.R. 4755, as follows:

## H.R. 4755

*Resolved*, That the bill from the House of Representatives (H.R. 4755) entitled "An Act making appropriations for the Legislative Branch for the fiscal year ending September 30, 2005, and for other purposes," do pass with the following amendments:

(1) Page 2, after line 5, insert the following:

## SENATE

## EXPENSE ALLOWANCES

*For expense allowances of the Vice President, \$20,000; the President Pro Tempore of the Senate, \$20,000; Majority Leader of the Senate, \$20,000; Minority Leader of the Senate, \$20,000; Majority Whip of the Senate, \$10,000; Minority Whip of the Senate, \$10,000; President Pro Tempore emeritus, \$7,500; Chairmen of the Majority and Minority Conference Committees, \$5,000 for each Chairman; and Chairmen of the Majority and Minority Policy Committees, \$5,000 for each Chairman; in all, \$127,500.*

REPRESENTATION ALLOWANCES FOR THE  
MAJORITY AND MINORITY LEADERS

*For representation allowances of the Majority and Minority Leaders of the Senate, \$15,000 for each such Leader; in all, \$30,000.*

## SALARIES, OFFICERS AND EMPLOYEES

*For compensation of officers, employees, and others as authorized by law, including agency contributions, \$134,440,000, which shall be paid from this appropriation without regard to the following limitations:*

## OFFICE OF THE VICE PRESIDENT

*For the Office of the Vice President, \$2,108,000.*

## OFFICE OF THE PRESIDENT PRO TEMPORE

*For the Office of the President Pro Tempore, \$561,000.*

OFFICE OF THE PRESIDENT PRO TEMPORE  
EMERITUS

*For the Office of the President Pro Tempore emeritus, \$163,000.*

OFFICES OF THE MAJORITY AND MINORITY  
LEADERS

*For Offices of the Majority and Minority Leaders, \$3,408,000.*

## OFFICES OF THE MAJORITY AND MINORITY WHIPS

*For Offices of the Majority and Minority Whips, \$2,556,000.*

## COMMITTEE ON APPROPRIATIONS

*For salaries of the Committee on Appropriations, \$13,301,000.*

## CONFERENCE COMMITTEES

*For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, \$1,413,000 for each such committee; in all, \$2,826,000.*

OFFICES OF THE SECRETARIES OF THE  
CONFERENCE OF THE MAJORITY AND THE  
CONFERENCE OF THE MINORITY

*For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, \$702,000.*

## POLICY COMMITTEES

*For salaries of the Majority Policy Committee and the Minority Policy Committee, \$1,473,000 for each such committee; in all, \$2,946,000.*



## OFFICE OF THE CHAPLAIN

For Office of the Chaplain, \$341,000.

## OFFICE OF THE SECRETARY

For Office of the Secretary, \$19,586,000.

OFFICE OF THE SERGEANT AT ARMS AND  
DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, \$50,635,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY  
AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, \$1,528,000.

## AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, \$33,779,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE  
SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, \$5,152,000.

## OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, \$1,265,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF  
THE SENATE, SERGEANT AT ARMS AND DOOR-  
KEEPER OF THE SENATE, AND SECRETARIES FOR  
THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, \$6,000; Sergeant at Arms and Doorkeeper of the Senate, \$6,000; Secretary for the Majority of the Senate, \$6,000; Secretary for the Minority of the Senate, \$6,000; in all, \$24,000.

## CONTINGENT EXPENSES OF THE SENATE

## INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted under section 134(a) of the Legislative Reorganization Act of 1946 (Public Law 97-601), section 112 of the Supplemental Appropriations and Rescission Act, 1980 (Public Law 96-304), and Senate Resolution 281, 96th Congress, agreed to March 11, 1980, \$110,000,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS  
ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, \$520,000.

## SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, \$1,700,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE  
SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, \$127,182,000, of which \$20,045,000 shall remain available until September 30, 2007, and of which \$4,255,000 shall remain available until September 30, 2009.

## MISCELLANEOUS ITEMS

For miscellaneous items, \$18,326,000, of which up to \$500,000 shall be made available for a pilot program for mailings of postal patron postcards by Senators for the purpose of providing notice of a town meeting by a Senator in a county (or equivalent unit of local government) at which the Senator will personally attend: Provided, That any amount allocated to a Senator for such mailing shall not exceed 50 percent of the cost of the mailing and the remaining cost shall be paid by the Senator from other funds available to the Senator.

SENATORS' OFFICIAL PERSONNEL AND OFFICE  
EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, \$326,000,000.

## OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, \$300,000.

## ADMINISTRATIVE PROVISIONS

SEC. 1. GROSS RATE OF COMPENSATION IN OFFICES OF SENATORS. Effective on and after October 1, 2004, each of the dollar amounts contained in the table under section 105(d)(1)(A) of the Legislative Branch Appropriations Act, 1968

(2 U.S.C. 61-1(d)(1)(A)) shall be deemed to be the dollar amounts in that table, as adjusted by law and in effect on September 30, 2004, increased by an additional \$50,000 each.

SEC. 2. CONSULTANTS. With respect to fiscal year 2005, the first sentence of section 101(a) of the Supplemental Appropriations Act, 1977 (2 U.S.C. 61h-6(a)) shall be applied by substituting "nine individual consultants" for "eight individual consultants".

SEC. 3. UNITED STATES SENATE COLLECTION. Section 316 of Public Law 101-302 (2 U.S.C. 2107) is amended in the first sentence of subsection (a) by striking "2004" and inserting "2005".

SEC. 4. PRESIDENT PRO TEMPORE EMERITUS OF THE SENATE. Section 7(e) of the Legislative Branch Appropriations Act, 2003 (2 U.S.C. 32b note) is amended by inserting "and the 109th Congress" after "108th Congress".

SEC. 5. TRANSFER OF FUNDS FROM APPROPRIATIONS ACCOUNT OF THE OFFICE OF THE VICE PRESIDENT AND THE OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY TO THE SENATE CONTINGENT FUND. (a) OFFICE OF THE VICE PRESIDENT.—

(1) IN GENERAL.—Upon the written request of the Vice President, the Secretary of the Senate shall transfer from the appropriations account appropriated under the subheading "OFFICE OF THE VICE PRESIDENT" under the heading "SALARIES, OFFICERS AND EMPLOYEES" such amount as the Vice President shall specify to the appropriations account under the heading "MISCELLANEOUS ITEMS" within the contingent fund of the Senate.

(2) AUTHORITY TO INCUR EXPENSES.—The Vice President may incur such expenses as may be necessary or appropriate. Expenses incurred by the Vice President shall be paid from the amount transferred under paragraph (1) by the Vice President and upon vouchers approved by the Vice President.

(3) AUTHORITY TO ADVANCE SUMS.—The Secretary of the Senate may advance such sums as may be necessary to defray expenses incurred in carrying out paragraphs (1) and (2).

(b) OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY.—

(1) IN GENERAL.—Upon the written request of the Secretary for the Majority or the Secretary for the Minority, the Secretary of the Senate shall transfer from the appropriations account appropriated under the subheading "OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY" under the heading "SALARIES, OFFICERS AND EMPLOYEES" such amount as the Secretary for the Majority or the Secretary for the Minority shall specify to the appropriations account under the heading "MISCELLANEOUS ITEMS" within the contingent fund of the Senate.

(2) AUTHORITY TO INCUR EXPENSES.—The Secretary for the Majority or the Secretary for the Minority may incur such expenses as may be necessary or appropriate. Expenses incurred by the Secretary for the Majority or the Secretary for the Minority shall be paid from the amount transferred under paragraph (1) by the Secretary for the Majority or the Secretary for the Minority and upon vouchers approved by the Secretary for the Majority or the Secretary for the Minority, as applicable.

(3) AUTHORITY TO ADVANCE SUMS.—The Secretary of the Senate may advance such sums as may be necessary to defray expenses incurred in carrying out paragraphs (1) and (2).

(c) EFFECTIVE DATE.—This section shall apply to fiscal year 2005 and each fiscal year thereafter.

SEC. 6. ACTIVITIES RELATING TO FOREIGN PARLIAMENTARY GROUPS AND FOREIGN OFFICIALS. Section 2(c) of chapter VIII of title I of the Supplemental Appropriations Act, 1987 (2 U.S.C. 65f(c)) is amended in the first sentence by striking "with the approval of" and inserting "and upon notification to".

SEC. 7. TRANSPORTATION OF OFFICIAL RECORDS AND PAPERS TO A SENATOR'S STATE. (a) PAYMENT OF REASONABLE TRANSPORTATION EX-

PENSES.—Upon request of a Senator, amounts in the appropriation account "Miscellaneous Items" within the contingent fund of the Senate shall be available to pay the reasonable expenses of sending or transporting the official records and papers of the Senator from the District of Columbia to any location designated by such Senator in the State represented by the Senator.

(b) SENDING AND TRANSPORTATION.—The Sergeant at Arms and Doorkeeper of the Senate shall provide for the most economical means of sending or transporting the official records and papers under this section while ensuring the orderly and timely delivery of the records and papers to the location specified by the Senator.

(c) OVERSIGHT.—The Committee on Rules and Administration shall have the authority to issue rules and regulations to carry out the provisions of this section.

(d) OFFICIAL RECORDS DEFINED.—In this section, the term "official records and papers" means books, records, papers, and official files which could be sent as franked mail.

(e) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2005 and each succeeding fiscal year.

SEC. 8. COMPENSATION FOR LOST OR DAMAGED PROPERTY. (a) IN GENERAL.—Any amounts received by the Sergeant at Arms and Doorkeeper of the Senate (in this section referred to as the "Sergeant at Arms") for compensation for damage to, loss of, or loss of use of property of the Sergeant at Arms that was procured using amounts available to the Sergeant at Arms in the account for Contingent Expenses, Sergeant at Arms and Doorkeeper of the Senate, shall be credited to that account or, if applicable, to any subaccount of that account.

(b) AVAILABILITY.—Amounts credited to any account or subaccount under subsection (a) shall be merged with amounts in that account or subaccount and shall be available to the same extent, and subject to the same terms and conditions, as amounts in that account or subaccount.

(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2005 and each fiscal year thereafter.

SEC. 9. AGE REQUIREMENT FOR SENATE PAGES. Section 491(b)(1) of the Legislative Reorganization Act of 1970 (2 U.S.C. 88b-1(b)(1)) is amended by striking "fourteen" and inserting "sixteen".

SEC. 10. TREATMENT OF ELECTRONIC SERVICES PROVIDED BY SERGEANT AT ARMS. The Office of the Sergeant at Arms and Doorkeeper of the United States Senate, and any officer, employee, or agent of the Office, shall not be treated as acquiring possession, custody, or control of any electronic mail or other electronic communication, data, or information by reason of its being transmitted, processed, or stored (whether temporarily or otherwise) through the use of an electronic system established, maintained, or operated, or the use of electronic services provided, in whole or in part by the Office.

(2) Page 9, strike line 20 and all that follows through, Page 21, line 6 and insert the following:

## JOINT ITEMS

For Joint Committees, as follows:

## JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, \$4,139,000, to be disbursed by the Secretary of the Senate.

## JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, \$8,476,000, to be disbursed by the Chief Administrative Officer of the House.

For other joint items, as follows:

## OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for

the Attending Physician and his assistants, including: (1) an allowance of \$2,175 per month to the Attending Physician; (2) an allowance of \$725 per month each to four medical officers while on duty in the Office of the Attending Physician; (3) an allowance of \$725 per month each to two assistants and \$580 per month each to not to exceed 11 assistants on the basis heretofore provided for such assistants; and (4) \$1,680,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, \$2,528,000, to be disbursed by the Chief Administrative Officer of the House of Representatives.

#### CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, \$3,844,000, to be disbursed by the Secretary of the Senate: Provided, That no part of such amount may be used to employ more than 58 individuals: Provided further, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than 120 days each, and not more than 10 additional individuals for not more than 6 months each, for the Capitol Guide Service.

#### STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the second session of the 108th Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, \$30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

#### CAPITOL POLICE SALARIES

For salaries of employees of the Capitol Police, including overtime, hazardous duty pay differential, and Government contributions for health, retirement, social security, professional liability insurance, and other applicable employee benefits, \$198,000,000, to be disbursed by the Chief of the Capitol Police or his designee.

#### GENERAL EXPENSES

For necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, security equipment and installation, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, personal and professional services, the employee assistance program, the awards program, postage, communication services, domestic travel, foreign travel as approved by the Capitol Police Board, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and not more than \$5,000 to be expended on the certification of the Chief of the Capitol Police in connection with official representation and reception expenses, \$28,925,000, of which \$700,000 is to remain available until expended, to be disbursed by the Chief of the Capitol Police or his designee.

#### ADMINISTRATIVE PROVISIONS

##### (INCLUDING TRANSFER OF FUNDS)

SEC. 1001. TRANSFER AUTHORITY. Amounts appropriated for fiscal year 2005 for the Capitol Police may be transferred between the headings "SALARIES" and "GENERAL EXPENSES" upon the approval of the Committees on Appropriations of the Senate and the House of Representatives.

SEC. 1002. LIMITATION ON CERTAIN HIRING AUTHORITY OF CAPITOL POLICE. Section 1006(b) of the Legislative Branch Appropriations Act, 2004 (Public Law 108-83; 117 Stat. 1023) is amended—

(1) in paragraph (3)—

(A) in subparagraph (B), by inserting at the end "The Chief of Police may hire individuals under this subsection who are not submitted for selection under this subparagraph. All hirings under this subparagraph shall comply with the limitations under this paragraph for any fiscal year."; and

(B) in subparagraph (C), by striking "(C) LIMITATION.—" and inserting "(C) LIMITATION FOR FISCAL YEAR 2004.—"; and

(C) by adding at the end the following:

"(D) LIMITATION FOR FISCAL YEAR 2005.—During fiscal year 2005, the number of individuals hired under this subsection may not exceed—

"(i) the number of Library of Congress Police employees who separated from service or transferred to a position other than a Library of Congress Police employee position during fiscal year 2004 for whom a corresponding hire was not made under this subsection; and

"(ii) the number of Library of Congress Police employees who separate from service or transfer to a position other than a Library of Congress Police employee position during fiscal year 2005."; and

(2) in paragraph (4), by striking the first sentence and inserting "Notwithstanding subsection (a)(1)(C), the Chief of the Capitol Police may detail an individual hired under this subsection to the Library of Congress Police on a nonreimbursable basis. Any individual detailed under this subsection shall receive necessary training, including training by the Library of Congress Police.".

SEC. 1003. COMPENSATION FOR DAMAGED OR LOST PROPERTY. (a) IN GENERAL.—Any amounts received by the Capitol Police for compensation for damage to, loss of, or loss of use of property of the Capitol Police (including any insurance payments or payment made by an officer or civilian employee of the Capitol Police) shall be credited to the account established for the general expenses of the Capitol Police, and shall be available to carry out the purposes of such account during the fiscal year in which the amounts are received and the following fiscal year.

(b) EFFECTIVE DATE.—This section shall apply to fiscal year 2005 and each fiscal year thereafter.

SEC. 1004. PARTICIPATION IN VOLUNTARY TRANSFER OF LEAVE WITH OTHER AGENCIES. (a) IN GENERAL.—The Office of Personnel Management shall apply the regulations prescribed under section 6334(c) of title 5, United States Code, to the Capitol Police to provide for the participation of employees of the Capitol Police in the voluntary transfer of leave between employees of different agencies under subchapter III of chapter 63 of that title.

(b) CERTIFICATION OF LEAVE ACCOUNTS.—For purposes of this section, the Office of Personnel Management shall accept the certification of the Chief of the Capitol Police of the amount of annual leave in the annual leave account of any leave donor or leave recipient who is an employee of the Capitol Police.

(c) REGULATIONS.—After consultation with the Chief of the Capitol Police, the Office of Personnel Management may prescribe regulations to carry out this section.

(d) EFFECTIVE DATE.—This section shall apply to fiscal year 2005 and each fiscal year thereafter.

SEC. 1005. AUTHORIZATION OF WEAPONS. Section 1824 of the Revised Statutes (2 U.S.C. 1941) is amended—

(1) in the first sentence—

(A) by striking "The Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives" and inserting "The Capitol Police Board"; and

(B) by striking all beginning with "payable out" through the period and inserting "payable from appropriations to the Capitol Police upon certification of payment by the Chief of the Capitol Police."; and

(2) in the second sentence—

(A) by inserting "or other arms as authorized by the Capitol Police Board" after "furnished"; and

(B) by striking "the Sergeant at Arms of the Senate and the Sergeant at Arms of the House of Representatives" and inserting "the Capitol Police Board".

SEC. 1006. RELEASE OF SECURITY INFORMATION. (a) DEFINITION.—In this section, the term "security information" means information that—

(1) is sensitive with respect to the policing, protection, physical security, intelligence, counterterrorism actions, or emergency preparedness and response relating to Congress, any statutory protectee of the Capitol Police, and the Capitol buildings and grounds; and

(2) is obtained by, on behalf of, or concerning the Capitol Police Board, the Capitol Police, or any incident command relating to emergency response.

(b) AUTHORITY OF BOARD TO DETERMINE CONDITIONS OF RELEASE.—Notwithstanding any other provision of law, any security information in the possession of the Capitol Police may be released by the Capitol Police to another entity, including an individual, only if the Capitol Police Board determines in consultation with other appropriate law enforcement officials, experts in security preparedness, and appropriate committees of Congress, that the release of the security information will not compromise the security and safety of the Capitol buildings and grounds or any individual whose protection and safety is under the jurisdiction of the Capitol Police.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect the ability of the Senate and the House of Representatives (including any Member, officer, or committee of either House of Congress) to obtain information from the Capitol Police regarding the operations and activities of the Capitol Police that affect the Senate and House of Representatives.

(d) REGULATIONS.—The Capitol Police Board may promulgate regulations to carry out this section, with the approval of the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives.

(e) EFFECTIVE DATE.—This section shall take effect on the date of enactment of this Act and apply with respect to—

(1) any remaining portion of fiscal year 2004, if this Act is enacted before October 1, 2004; and

(2) fiscal year 2005 and each fiscal year thereafter.

SEC. 1007. ACCEPTANCE OF DONATIONS OF ANIMALS. (a) IN GENERAL.—The Capitol Police may accept the donation of animals to be used in the canine or equine units of the Capitol Police.

(b) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2005 and each fiscal year thereafter.

SEC. 1008. SETTLEMENT AND PAYMENT OF TORT CLAIMS. (a) FEDERAL TORT CLAIMS ACT.—

(1) IN GENERAL.—Except as provided in paragraph (2) with respect to the Senate, the Chief of the Capitol Police, in accordance with regulations prescribed by the Attorney General and any regulations as the Capitol Police Board may prescribe, may consider, ascertain, determine, compromise, adjust, and settle, in accordance with the provisions of chapter 171 of title 28, United States Code, any claim for money damages against the United States for injury or loss of property or personal injury or death caused by the negligent or wrongful act or omission of any employee of the Capitol Police while acting within the scope of his office or employment, under circumstances where the United States, if a private person, would be liable to the claimant in accordance with the law of the place where the act or omission occurred.

(2) SENATE.—

(A) IN GENERAL.—With respect to any claim of a Senator or an employee whose pay is disbursed by the Secretary of the Senate, the Chief of the Capitol Police shall—

(i) not later than 14 days after the receipt of such a claim, notify the Chairman of the Committee on Rules and Administration of the receipt of the claim; and

(ii) not later than 90 days after the receipt of such a claim, submit a proposal for the resolution of such claim which shall be subject to the approval of the Chairman of the Committee on Rules and Administration.

(B) EXTENSION.—The 90-day period in subparagraph (A)(ii) may be extended, not to exceed 90 days, for good cause by the Chairman of the Committee on Rules and Administration upon the request of the Chief of the Capitol Police.

(3) HEAD OF AGENCY.—For purposes of section 2672 of title 28, United States Code, the Chief of the Capitol Police shall be the head of a Federal agency with respect to the Capitol Police.

(4) REGULATIONS.—The Capitol Police Board may prescribe regulations to carry out this subsection.

(b) CLAIMS OF EMPLOYEES OF CAPITOL POLICE.—

(1) IN GENERAL.—The Capitol Police Board may prescribe regulations to apply the provisions of section 3721 of title 31, United States Code, for the settlement and payment of a claim against the Capitol Police by an employee of the Capitol Police for damage to, or loss of personal property incident to service.

(2) LIMITATION.—No settlement and payment of a claim under regulations prescribed under this subsection may exceed \$2,000.

(c) RULE OF CONSTRUCTION.—Nothing in this section may be construed to affect—

(1) any payment under section 1304 of title 31, United States Code, of a final judgement, award, compromise settlement, and interest and costs specified in the judgment based on a claim against the Capitol Police; or

(2) any authority for any—

(A) settlement under section 414 of the Congressional Accountability Act of 1995 (2 U.S.C. 1414); or

(B) payment under section 415 of that Act (2 U.S.C. 1415).

(d) EFFECTIVE DATE.—This section shall apply to fiscal year 2005 and each fiscal year thereafter.

SEC. 1009. FOREIGN TRAVEL AUTHORIZATION. Notwithstanding any other provision of law and subject to the approval of the Capitol Police Board, the Capitol Police are authorized, in a non-law enforcement capacity, to travel with and assist overseas congressional delegations in a security advisory and liaison role, including advance security liaison preparations for such congressional foreign travel.

#### OFFICE OF COMPLIANCE

##### SALARIES AND EXPENSES

For salaries and expenses of the Office of Compliance, as authorized by section 305 of the Congressional Accountability Act of 1995 (2 U.S.C. 1385), \$2,421,000: Provided, That the Executive Director of the Office of Compliance may, within the limits of available appropriations, dispose of surplus or obsolete personal property by interagency transfer, donation, or discarding.

#### CONGRESSIONAL BUDGET OFFICE

##### SALARIES AND EXPENSES

For salaries and expenses necessary for operation of the Congressional Budget Office, including not more than \$3,000 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, \$34,790,000: Provided, That no part of such amount may be used for the purchase or hire of a passenger motor vehicle.

#### ARCHITECT OF THE CAPITOL

##### GENERAL ADMINISTRATION

For salaries for the Architect of the Capitol, and other personal services, at rates of pay pro-

vided by law; for surveys and studies in connection with activities under the care of the Architect of the Capitol; for all necessary expenses for the general and administrative support of the operations under the Architect of the Capitol including the Botanic Garden; electrical substations of the Capitol, Senate and House office buildings, and other facilities under the jurisdiction of the Architect of the Capitol; including furnishings and office equipment; including not more than \$5,000 for official representation and reception expenses, to be expended as the Architect of the Capitol may approve; for purchase or exchange, maintenance, and operation of a passenger motor vehicle, \$74,063,000, of which \$720,000 shall remain available until September 30, 2009.

##### CAPITOL BUILDING

For all necessary expenses for the maintenance, care and operation of the Capitol, \$24,784,000, of which \$8,770,000 shall remain available until September 30, 2009.

##### CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, \$6,940,000.

##### SENATE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of Senate office buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, \$62,303,000, of which \$9,070,000 shall remain available until September 30, 2009.

(3) Page 21, strike line 12 and all that follows through, Page 50, line 13 and insert the following:

##### CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, the Union Station complex, the Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, \$60,928,000, of which \$2,190,000 shall remain available until September 30, 2009: Provided, That not more than \$4,400,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 2005.

##### LIBRARY BUILDINGS AND GROUNDS

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, \$65,145,000, of which \$47,114,000 shall remain available until September 30, 2009.

##### CAPITOL POLICE BUILDINGS AND GROUNDS

For all necessary expenses for the maintenance, care, and operation of buildings and grounds of the United States Capitol Police, \$7,090,000, of which \$1,500,000 shall remain available until September 30, 2009.

##### BOTANIC GARDEN

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, \$6,294,000: Pro-

vided, That this appropriation shall not be available for construction of the National Garden.

##### LIBRARY OF CONGRESS

##### SALARIES AND EXPENSES

For necessary expenses of the Library of Congress not otherwise provided for, including development and maintenance of the Library's catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; operation and maintenance of the American Folklife Center in the Library; preparation and distribution of catalog records and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, \$379,648,000, of which not more than \$6,000,000 shall be derived from collections credited to this appropriation during fiscal year 2005, and shall remain available until expended, under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150) and not more than \$350,000 shall be derived from collections during fiscal year 2005 and shall remain available until expended for the development and maintenance of an international legal information database and activities related thereto: Provided, That the Library of Congress may not obligate or expend any funds derived from collections under the Act of June 28, 1902, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than the \$6,350,000: Provided further, That of the total amount appropriated, \$11,981,000 shall remain available until expended for the partial acquisition of books, periodicals, newspapers, and all other materials including subscriptions for bibliographic services for the Library, including \$40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections: Provided further, That of the total amount appropriated, not more than \$12,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Overseas Field Offices: Provided further, That of the total amount appropriated, \$1,175,000 shall remain available until expended for the purpose of teaching educators and librarians how to incorporate the Library's digital collections into school curricula and shall be transferred to the educational consortium formed to conduct the "Adventure of the American Mind" project as approved by the Library: Provided further, That of the amount appropriated, \$500,000 shall remain available until expended, and shall be transferred to the Abraham Lincoln Bicentennial Commission for carrying out the purposes of Public Law 106-173, of which \$10,000 may be used for official representation and reception expenses of the Abraham Lincoln Bicentennial Commission: Provided further, That of the total amount appropriated, \$15,620,000 shall remain available until expended for partial support of the National Audio-Visual Conservation Center: Provided further, That of the total amount appropriated, \$2,795,000 shall remain available until expended for the development and maintenance of the Alternate Computer Facility: Provided further, That of the amount appropriated, \$500,000 shall be used to provide a grant to the Middle Eastern Text Initiative for translation and publishing of middle eastern text.

##### COPYRIGHT OFFICE

##### SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, \$53,518,000, of which not more than \$26,843,000, to remain available until expended, shall be derived from collections credited to this

appropriation during fiscal year 2005 under section 708(d) of title 17, United States Code: Provided, That the Copyright Office may not obligate or expend any funds derived from collections under such section, in excess of the amount authorized for obligation or expenditure in appropriations Acts: Provided further, That not more than \$6,496,000 shall be derived from collections during fiscal year 2005 under sections 111(d)(2), 119(b)(2), 802(h), 1005, and 1316 of such title: Provided further, That the total amount available for obligation shall be reduced by the amount by which collections are less than \$33,339,000: Provided further, That not more than \$100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: Provided further, That not more than \$4,250 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for activities of the International Copyright Institute and for copyright delegations, visitors, and seminars.

#### CONGRESSIONAL RESEARCH SERVICE

##### SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, \$96,678,000: Provided, That no part of such amount may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate.

#### BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

##### SALARIES AND EXPENSES

For salaries and expenses to carry out the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), \$53,937,000, of which \$15,960,000 shall remain available until expended.

#### ADMINISTRATIVE PROVISIONS

SEC. 1101. INCENTIVE AWARDS PROGRAM. Of the amounts appropriated to the Library of Congress in this Act, not more than \$5,000 may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the incentive awards program.

SEC. 1102. REIMBURSABLE AND REVOLVING FUND ACTIVITIES. (a) IN GENERAL.—For fiscal year 2005, the obligational authority of the Library of Congress for the activities described in subsection (b) may not exceed \$106,985,000.

(b) ACTIVITIES.—The activities referred to in subsection (a) are reimbursable and revolving fund activities that are funded from sources other than appropriations to the Library in appropriations Acts for the legislative branch.

(c) TRANSFER OF FUNDS.—During fiscal year 2005, the Librarian of Congress may temporarily transfer funds appropriated in this Act, under the heading "LIBRARY OF CONGRESS" under the subheading "SALARIES AND EXPENSES" to the revolving fund for the FEDLINK Program and the Federal Research Program established under section 103 of the Library of Congress Fiscal Operations Improvement Act of 2000 (Public Law 106-481; 2 U.S.C. 182c): Provided, That the total amount of such transfers may not exceed \$1,900,000: Provided further, That the appropriate revolving fund account shall reimburse the Library for any amounts transferred to it before the period of availability of the Library appropriation expires.

SEC. 1103. NATIONAL DIGITAL INFORMATION INFRASTRUCTURE AND PRESERVATION PROGRAM.

The Miscellaneous Appropriations Act, 2001 (enacted into law by section 1(a)(4) of Public Law 106-554, 114 Stat. 2763A-194) is amended in the first proviso under the subheading "SALARIES AND EXPENSES" under the heading "LIBRARY OF CONGRESS" in chapter 9 of division A—

(1) by inserting "and pledges" after "other than money"; and

(2) by striking "March 31, 2005" and inserting "March 31, 2010".

SEC. 1104. CONSTRUCTION OF UNITED STATES DIPLOMATIC FACILITIES. None of the funds in this Act may be used to pay any fee charged by the Department of State for the purpose of constructing United States diplomatic facilities.

SEC. 1105. NATIONAL FILM PRESERVATION BOARD AND NATIONAL FILM PRESERVATION FOUNDATION. (a) EFFECTIVE DATES.—Notwithstanding the effective date under section 113 of the National Film Preservation Act of 1996 (2 U.S.C. 179w), title I of that Act shall be considered to be effective through fiscal year 2005.

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 151711(a) of title 36, United States Code, is amended by striking "2003" and inserting "2005".

#### GOVERNMENT PRINTING OFFICE

##### CONGRESSIONAL PRINTING AND BINDING

##### (INCLUDING TRANSFER OF FUNDS)

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (section 902 of title 44, United States Code); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, \$88,800,000: Provided, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual Representatives, Resident Commissioners or Delegates authorized under section 906 of title 44, United States Code: Provided further, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years: Provided further, That notwithstanding the 2-year limitation under section 718 of title 44, United States Code, none of the funds appropriated or made available under this Act or any other Act for printing and binding and related services provided to Congress under chapter 7 of title 44, United States Code, may be expended to print a document, report, or publication after the 27-month period beginning on the date that such document, report, or publication is authorized by Congress to be printed, unless Congress reauthorizes such printing in accordance with section 718 of title 44, United States Code: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

#### OFFICE OF SUPERINTENDENT OF DOCUMENTS

##### SALARIES AND EXPENSES

##### (INCLUDING TRANSFER OF FUNDS)

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, \$31,935,000: Provided, That amounts of not more than \$2,000,000 from current year appropriations are authorized for producing and disseminating Congressional serial sets and other related publications for fis-

cal years 2003 and 2004 to depository and other designated libraries: Provided further, That any unobligated or unexpended balances in this account or accounts for similar purposes for preceding fiscal years may be transferred to the Government Printing Office revolving fund for carrying out the purposes of this heading, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate.

#### GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office may make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: Provided, That not more than \$5,000 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: Provided further, That the revolving fund shall be available for the hire or purchase of not more than 12 passenger motor vehicles: Provided further, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: Provided further, That the revolving fund shall be available for temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level V of the Executive Schedule under section 5316 of such title: Provided further, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than 2,621 workyears (or such other number of workyears as the Public Printer may request, subject to the approval of the Committees on Appropriations of the House of Representatives and Senate): Provided further, That activities financed through the revolving fund may provide information in any format: Provided further, That not more than \$10,000 may be expended from the revolving fund in support of the activities of the Benjamin Franklin Tercentenary Commission established by Public Law 107-202.

#### ADMINISTRATIVE PROVISION

SEC. 1301. DISCOUNTS FOR SALES COPIES. Section 1708 of title 44, United States Code, is amended by striking "of not to exceed 25 percent may be allowed to book dealers and quantity purchasers", and inserting in lieu thereof the following: "may be allowed as determined by the Superintendent of Documents".

#### GOVERNMENT ACCOUNTABILITY OFFICE

##### SALARIES AND EXPENSES

For necessary expenses of the Government Accountability Office, including not more than \$12,500 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; temporary or intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not more than the daily equivalent of the annual rate of basic pay for level IV of the Executive Schedule under section 5315 of such title; hire of one passenger motor vehicle; advance payments in foreign countries in accordance with section 3324 of title 31, United States Code; benefits comparable to those payable under section 901(5), (6), and (8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), (6), and (8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries, \$470,000,000: Provided, That not more than

\$4,919,000 of payments received under section 782 of title 31, United States Code, shall be available for use in fiscal year 2005: Provided further, That not more than \$2,500,000 of reimbursements received under section 9105 of title 31, United States Code, shall be available for use in fiscal year 2005: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of either Forum's costs as determined by the respective Forum, including necessary travel expenses of non-Federal participants: Provided further, That payments hereunder to the Forum may be credited as reimbursements to any appropriation from which costs involved are initially financed: Provided further, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

#### ADMINISTRATIVE PROVISION

SEC. 1401. REPORTS TO THE COMPTROLLER GENERAL. (a) LIMITATIONS ON EXPENDITURES, OBLIGATIONS, AND VOLUNTARY SERVICES.—Section 1351 of title 31, United States Code, is amended by inserting "A copy of each report shall also be transmitted to the Comptroller General on the same date the report is transmitted to the President and Congress." after the first sentence.

(b) PROHIBITED OBLIGATIONS AND EXPENDITURES.—Section 1517(b) of title 31, United States Code, is amended by inserting "A copy of each report shall also be transmitted to the Comptroller General on the same date the report is transmitted to the President and Congress." after the first sentence.

#### PAYMENT TO THE OPEN WORLD LEADERSHIP CENTER TRUST FUND

For a payment to the Open World Leadership Center Trust Fund for financing activities of the Open World Leadership Center, \$13,500,000.

#### ADMINISTRATIVE PROVISION

SEC. 1501. EXPANSION OF OPEN WORLD LEADERSHIP COUNTRIES.—Section 313(j) of the Legislative Branch Appropriations Act, 2001 (2 U.S.C. 1151(j)) is amended—

(1) in paragraph (1), by striking "and" after the semicolon;

(2) in paragraph (2), by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(3) any other country that is designated by the Board, except that the Board shall notify the Committees on Appropriations of the Senate and the House of Representatives of the designation at least 90 days before the designation is to take effect."

#### TITLE II—GENERAL PROVISIONS

SEC. 201. MAINTENANCE AND CARE OF PRIVATE VEHICLES. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Administration and for the Senate issued by the Committee on Rules and Administration.

SEC. 202. FISCAL YEAR LIMITATION. No part of the funds appropriated in this Act shall remain available for obligation beyond fiscal year 2005 unless expressly so provided in this Act.

SEC. 203. RATES OF COMPENSATION AND DESIGNATION. Whenever in this Act any office or position not specifically established by the Legislative Pay Act of 1929 (46 Stat. 32 et seq.) is appro-

priated for or the rate of compensation or designation of any office or position appropriated for is different from that specifically established by such Act, the rate of compensation and the designation in this Act shall be the permanent law with respect thereto: Provided, That the provisions in this Act for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 204. CONSULTING SERVICES. The expenditure of any appropriation under this Act for any consulting service through procurement contract, under section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued under existing law.

SEC. 205. AWARDS AND SETTLEMENTS. Such sums as may be necessary are appropriated to the account described in subsection (a) of section 415 of the Congressional Accountability Act (2 U.S.C. 1415(a)) to pay awards and settlements as authorized under such subsection.

SEC. 206. COSTS OF LBFMC. Amounts available for administrative expenses of any legislative branch entity which participates in the Legislative Branch Financial Managers Council (LBFMC) established by charter on March 26, 1996, shall be available to finance an appropriate share of LBFMC costs as determined by the LBFMC, except that the total LBFMC costs to be shared among all participating legislative branch entities (in such allocations among the entities as the entities may determine) may not exceed \$2,000.

SEC. 207. LIMITATION ON TRANSFERS. None of the funds made available in this Act may be transferred to any department, agency, or instrumentality of the United States Government, except pursuant to a transfer made by, or transfer authority provided in, this Act or any other appropriation Act.

SEC. 208. VOLUNTARY COMPLIANCE WITH GOVERNMENT ETRAVEL SERVICE REGULATION. (a) DEFINITION.—In this section, the term "agency" means the—

- (1) Architect of the Capitol;
- (2) Congressional Budget Office;
- (3) Government Accountability Office;
- (4) Government Printing Office;
- (5) Library of Congress; and
- (6) Office of Compliance.

(b) COMPLIANCE ELECTION.—Notwithstanding any other provision of law, an agency, at the discretion of the head of the agency, may—

(1) elect to comply with the requirements of parts 300–3, 301–50, 301–52, 301–70, and 301–73 of title 41 of the Code of Federal Regulations, or any modification to those requirements, (relating to the Governmentwide eTravel Service); and

(2) if the head of the agency makes an election to comply under paragraph (1), enter into an agreement with the General Services Administration to modify those requirements, as applicable to that agency, relating to confidentiality of information or other concerns of the head of the agency.

(c) EFFECTIVE DATE.—This section shall apply with respect to fiscal year 2005 and each fiscal year thereafter.

SEC. 209. CONGRESSIONAL RECOGNITION FOR EXCELLENCE IN ARTS EDUCATION. Section 210 of the Legislative Branch Appropriations Act, 2003 is amended—

- (1) by striking the first proviso; and
- (2) by striking "Provide further," and inserting "Provided,".

SEC. 210. TRANSFER OF JURISDICTION OVER REAL PROPERTY NEAR JAPANESE AMERICAN PATRIOTISM MEMORIAL. (a) TRANSFER OF JURISDICTION.—

(1) IN GENERAL.—Jurisdiction over the parcels of Federal real property described under para-

graph (2) (over which jurisdiction was transferred under section 514(b)(2)(C) of the Omnibus Parks and Public Lands Management Act of 1996 (40 U.S.C. 5102 note; Public Law 104–333)) is transferred to the Architect of the Capitol, without consideration.

(2) PARCELS.—The parcels of Federal real property referred to under paragraph (1) are the following:

(A) That portion of New Jersey Avenue, N.W., between the northernmost point of the intersection of New Jersey Avenue, N.W., and D Street, N.W., and the northernmost point of the intersection of New Jersey Avenue, N.W., and Louisiana Avenue, N.W., between squares 631 and W632, which remains Federal property, and whose maintenance and repair shall be the responsibility of the District of Columbia.

(B) That portion of D Street, N.W., between its intersection with New Jersey Avenue, N.W., and its intersection with Louisiana Avenue, N.W., between squares 630 and W632, which remains Federal property.

(b) MISCELLANEOUS.—

(1) COMPLIANCE WITH OTHER LAWS.—Compliance with this section shall be deemed to satisfy the requirements of all laws otherwise applicable to transfers of jurisdiction over parcels of Federal real property.

(2) UNITED STATES CAPITOL GROUNDS.—

(A) DEFINITION.—Section 5102 of title 40, United States Code, is amended to include within the definition of the United States Capitol Grounds the parcels of Federal real property described in subsection (a)(2).

(B) JURISDICTION OF CAPITOL POLICE.—The United States Capitol Police shall have jurisdiction over the parcels of Federal real property described in subsection (a)(2) in accordance with section 9 of the Act entitled "An Act to define the United States Capitol Grounds, to regulate the use thereof, and for other purposes", approved July 31, 1946 (2 U.S.C. 1961).

(3) EFFECT OF TRANSFER.—A person relinquishing jurisdiction over any parcel of Federal real property transferred by subsection (a) shall not retain any interest in the parcel except as specifically provided in this section.

(c) EFFECTIVE DATE.—This Act shall apply to fiscal year 2005 and each fiscal year thereafter.

SEC. 211. COMMISSION ON THE ABRAHAM LINCOLN STUDY ABROAD FELLOWSHIP PROGRAM.—

(a) APPROPRIATION.—There are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2005, \$495,000, for the Commission on the Abraham Lincoln Study Abroad Fellowship Program established under section 104 of division H of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 435).

(b) EXTENSION OF REPORT AND TERMINATION DATES.—Section 104 of division H of the Consolidated Appropriations Act, 2004 (Public Law 108–199; 118 Stat. 435) is amended—

(1) in subsection (f), by striking "December 1, 2004" and inserting "December 1, 2005"; and

(2) in subsection (g), by striking "December 31, 2004" and inserting "December 31, 2005".

This Act may be cited as the "Legislative Branch Appropriations Act, 2005".

#### DISTRICT OF COLUMBIA APPROPRIATIONS ACT, 2005

On Wednesday, September 22, 2004, the Senate passed H.R. 4850, as follows:

H.R. 4850

Resolved, That the bill from the House of Representatives (H.R. 4850) entitled "An Act making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 2005, and for other purposes," do pass with the following amendment:



Strike out all after the enacting clause and insert:

*That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the District of Columbia and related agencies for the fiscal year ending September 30, 2005, and for other purposes, namely:*

#### TITLE I—FEDERAL FUNDS

##### FEDERAL PAYMENT FOR RESIDENT TUITION SUPPORT

*For a Federal payment to the District of Columbia, to be deposited into a dedicated account, for a nationwide program to be administered by the Mayor, for District of Columbia resident tuition support, \$21,200,000, to remain available until expended: Provided, That such funds, including any interest accrued thereon, may be used on behalf of eligible District of Columbia residents to pay an amount based upon the difference between in-State and out-of-State tuition at public institutions of higher education, or to pay up to \$2,500 each year at eligible private institutions of higher education: Provided further, That the awarding of such funds may be prioritized on the basis of a resident's academic merit, the income and need of eligible students and such other factors as may be authorized: Provided further, That the District of Columbia government shall maintain a dedicated account for the Resident Tuition Support Program that shall consist of the Federal funds appropriated to the Program in this Act and any subsequent appropriations, any unobligated balances from prior fiscal years, and any interest earned in this or any fiscal year: Provided further, That the account shall be under the control of the District of Columbia Chief Financial Officer who shall use those funds solely for the purposes of carrying out the Resident Tuition Support Program: Provided further, That the Office of the Chief Financial Officer shall provide a quarterly financial report to the Committees on Appropriations of the House of Representatives and Senate for these funds showing, by object class, the expenditures made and the purpose therefor: Provided further, That not more than 7 percent of the total amount appropriated for this program may be used for administrative expenses.*

##### FEDERAL PAYMENT FOR EMERGENCY PLANNING AND SECURITY COSTS IN THE DISTRICT OF COLUMBIA

*For necessary expenses, as determined by the Mayor of the District of Columbia in written consultation with the elected county or city officials of surrounding jurisdictions, \$15,000,000, to remain available until expended, to reimburse the District of Columbia for the costs of providing public safety at events related to the presence of the national capital in the District of Columbia and for the costs of providing support to respond to immediate and specific terrorist threats or attacks in the District of Columbia or surrounding jurisdictions: Provided, That any amount provided under this heading shall be available only after notice of its proposed use has been transmitted by the President to Congress and such amount has been appropriated pursuant to chapter 15 of title 31, United States Code.*

##### FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA COURTS

*For salaries and expenses for the District of Columbia Courts, \$195,010,000, to be allocated as follows: for the District of Columbia Court of Appeals, \$8,952,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Superior Court, \$84,948,000, of which not to exceed \$1,500 is for official reception and representation expenses; for the District of Columbia Court System, \$40,699,000, of which not to exceed \$1,500 is for official reception and representation expenses; and \$60,411,000, to remain available until September 30, 2005, for capital improvements for District of Columbia courthouse facilities:*

*Provided, That funds made available for capital improvements shall be expended consistent with the General Services Administration master plan study and building evaluation report: Provided further, That notwithstanding any other provision of law, a single contract or related contracts for development and construction of facilities may be employed which collectively include the full scope of the project: Provided further, That the solicitation and contract shall contain the clause "availability of funds" found at 48 CFR 52.232-18: Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate: Provided further, That 30 days after providing written notice to the Committees on Appropriations of the House of Representatives and Senate, the District of Columbia Courts may reallocate not more than \$1,000,000 of the funds provided under this heading among the items and entities funded under such heading for operations, and not more than 4 percent of the funds provided under this heading for facilities.*

##### DEFENDER SERVICES IN DISTRICT OF COLUMBIA COURTS

*For payments authorized under section 11-2604 and section 11-2605, D.C. Official Code (relating to representation provided under the District of Columbia Criminal Justice Act), payments for counsel appointed in proceedings in the Family Court of the Superior Court of the District of Columbia under chapter 23 of title 16, D.C. Official Code, or pursuant to contractual agreements to provide guardian ad litem representation, training, technical assistance and/or such other services as are necessary to improve the quality of guardian ad litem representation, payments for counsel appointed in adoption proceedings under chapter 3 of title 16, D.C. Code, and payments for counsel authorized under section 21-2060, D.C. Official Code (relating to representation provided under the District of Columbia Guardianship, Protective Proceedings, and Durable Power of Attorney Act of 1986), \$34,500,000, to remain available until expended: Provided, That the funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the \$53,011,000 provided under such heading for capital improvements for District of Columbia courthouse facilities) may also be used for payments under this heading: Provided further, That in addition to the funds provided under this heading, the Joint Committee on Judicial Administration in the District of Columbia shall use funds provided in this Act under the heading "Federal Payment to the District of Columbia Courts" (other than the \$53,011,000 provided under such heading for capital improvements for District of Columbia courthouse facilities), to make payments described under this heading for obligations incurred during any fiscal year: Provided further, That funds provided under this heading shall be administered by the Joint Committee on Judicial Administration in the District of Columbia: Provided further, That notwithstanding any other provision of law, this appropriation shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for expenses of other Federal agencies, with payroll and financial services to be provided on a contractual basis with*

*the General Services Administration (GSA), said services to include the preparation of monthly financial reports, copies of which shall be submitted directly by GSA to the President and to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate.*

##### FEDERAL PAYMENT TO THE COURT SERVICES AND OFFENDER SUPERVISION AGENCY FOR THE DISTRICT OF COLUMBIA

##### (INCLUDING TRANSFER OF FUNDS)

*For salaries and expenses, including the transfer and hire of motor vehicles, of the Court Services and Offender Supervision Agency for the District of Columbia and the Public Defender Service for the District of Columbia, as authorized by the National Capital Revitalization and Self-Government Improvement Act of 1997, \$182,490,000, of which not to exceed \$2,000 is for official reception and representation expenses related to Community Supervision and Pretrial Services Agency programs; of which not to exceed \$25,000 is for dues and assessments relating to the implementation of the Court Services and Offender Supervision Agency Interstate Supervision Act of 2002; of which \$113,343,000 shall be for necessary expenses of Community Supervision and Sex Offender Registration, to include expenses relating to the supervision of adults subject to protection orders or the provision of services for or related to such persons; of which \$39,314,000 shall be available to the Pretrial Services Agency; and of which \$29,833,000 shall be transferred to the Public Defender Service for the District of Columbia: Provided, That \$1,100,000 shall be to lower supervision caseload ratios to 25:1 for special population offenders: Provided further, That \$200,000 shall be to expand monitoring of offenders using global position system technology: Provided further, That notwithstanding any other provision of law, all amounts under this heading shall be apportioned quarterly by the Office of Management and Budget and obligated and expended in the same manner as funds appropriated for salaries and expenses of other Federal agencies: Provided further, That notwithstanding chapter 12 of title 40, United States Code, the Director may acquire by purchase, lease, condemnation, or donation, and renovate as necessary, Building Number 17, 1900 Massachusetts Avenue, Southeast, Washington, District of Columbia to house or supervise offenders and defendants, with funds made available for this purpose in Public Law 107-96: Provided further, That the Director is authorized to accept and use gifts in the form of in-kind contributions of space and hospitality to support offender and defendant programs, and equipment and vocational training services to educate and train offenders and defendants: Provided further, That the Director shall keep accurate and detailed records of the acceptance and use of any gift or donation under the previous proviso, and shall make such records available for audit and public inspection: Provided further, That the Court Services and Offender Supervision Agency Director is authorized to accept and use reimbursement from the D.C. Government for space and services provided on a cost reimbursement basis: Provided further, That the Public Defender Service is authorized to charge fees to cover cost of materials distributed to attendees of educational events, including conferences, sponsored by the Public Defender Service, and notwithstanding 31 U.S.C. 3302, said fees shall be credited to the Public Defender Service account to be available for use without further appropriation.*

##### FEDERAL PAYMENT TO THE DISTRICT OF COLUMBIA WATER AND SEWER AUTHORITY

*For a Federal payment to the District of Columbia Water and Sewer Authority, \$10,000,000, to remain available until expended, to continue implementation of the Combined Sewer Overflow Long-Term Plan: Provided, That the District of*

Columbia Water and Sewer Authority provides a 100 percent match for this payment.

**FEDERAL PAYMENT FOR THE ANACOSTIA WATERFRONT INITIATIVE**

For a Federal payment to the District of Columbia Department of Transportation, \$3,000,000, to remain available until September 30, 2006, for design and construction of a continuous pedestrian and bicycle trail system from the Potomac River to the District's border with Maryland.

**FEDERAL PAYMENT TO THE CRIMINAL JUSTICE COORDINATING COUNCIL**

For a Federal payment to the Criminal Justice Coordinating Council, \$1,300,000, to remain available until expended, to support initiatives related to the coordination of Federal and local criminal justice resources in the District of Columbia.

**FEDERAL PAYMENT FOR THE UNIFIED COMMUNICATIONS CENTER**

For a Federal payment to the District of Columbia, \$7,000,000, to remain available until expended, shall be for the Unified Communications Center.

**FEDERAL PAYMENT FOR TRANSPORTATION ASSISTANCE**

For a Federal payment to the District of Columbia Department of Transportation, \$5,000,000, of which \$1,000,000 shall be allocated to implement a downtown circulator transit system, and of which \$4,000,000 shall be to offset a portion of the District of Columbia's allocated operating subsidy payment to the Washington Metropolitan Area Transit Authority.

**FEDERAL PAYMENT FOR FOSTER CARE IMPROVEMENTS IN THE DISTRICT OF COLUMBIA**

For a Federal payment to the District of Columbia for foster care improvements, \$5,000,000, to remain available until expended: Provided, That \$3,250,000 shall be for the Child and Family Services Agency, of which \$2,000,000 shall be for the early intervention program to provide intensive and immediate services for foster children; of which \$750,000 shall be for the emergency support fund to purchase services or technology necessary to allow children to remain in the care of an approved and licensed family member; of which \$500,000 shall be for technology upgrades: Provided further, That \$1,250,000 shall be for the Department of Mental Health to provide all court-ordered or agency-required mental health screenings, assessments and treatments for children under the supervision of the Child and Family Services Agency: Provided further, That \$500,000 shall be for the Washington Metropolitan Council of Governments, to continue a program in conjunction with the Foster and Adoptive Parents Advocacy Center, to provide respite care for and recruitment of foster parents: Provided further, That these Federal funds shall supplement and not supplant local funds for the purposes described under this heading.

**FEDERAL PAYMENT TO THE OFFICE OF THE CHIEF FINANCIAL OFFICER OF THE DISTRICT OF COLUMBIA**

For a Federal payment to the Office of the Chief Financial Officer of the District of Columbia, \$32,500,000: Provided, That these funds shall be available for the projects and in the amounts specified in the statement of the managers on the conference report accompanying this Act: Provided further, That each entity that receives funding under this heading shall submit to the Office of the Chief Financial Officer of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate a report on the activities to be carried out with such funds no later than March 15, 2005.

**FEDERAL PAYMENT FOR SCHOOL IMPROVEMENT**

For a Federal payment for a School Improvement Program in the District of Columbia,

\$40,000,000, to be allocated as follows: for the District of Columbia Public Schools, \$13,000,000 to improve public school education in the District of Columbia, \$13,000,000 to expand quality public charter schools in the District of Columbia; for the Secretary of the Department of Education, \$14,000,000 to provide opportunity scholarships for students in the District of Columbia in accordance with Public Law 108-199, of which up to \$1,000,000 may be used to administer and fund assessments: Provided, That of the \$13,000,000 for the District of Columbia Public Schools, \$5,000,000 shall be for a new incentive fund to reward high performing or significantly improved public schools; \$5,000,000 shall be to support the Transformation School Initiative directed to schools in need of improvement: Provided further, That of the remaining amounts, the Superintendent of the District of Columbia Public Schools shall use such sums as necessary to contract for management consulting services and implement recommended reforms: Provided further, That the Comptroller General shall conduct a financial audit of the District of Columbia Public Schools: Provided further, That of the \$13,000,000 provided for public charter schools in the District of Columbia, \$4,000,000 shall be for the City Build Initiative to create neighborhood-based charter schools; \$2,750,000 shall be for the Direct Loan Fund for Charter Schools; \$150,000 shall be for administrative expenses of the Office of Charter School Financing and Support to expand outreach and support of charter schools; \$100,000 shall be for the D.C. Public Charter School Association to enhance the quality of charter schools; \$4,000,000 shall be for the development of an incubator facility for public charter schools; and \$2,000,000 shall be for a new incentive fund to reward high performing or significantly improved public charter schools: Provided further, That the District of Columbia government shall establish a dedicated account for the Office of Charter School Financing and Support (the Office) that shall consist of the Federal funds appropriated in this Act, any subsequent appropriations, any unobligated balances from prior fiscal years, any additional grants, and any interest and principal derived from loans made to Charter Schools, and repayment of dollars utilized to support credit enhancement earned in this or any fiscal year: Provided further, That the account shall be under the control of the District of Columbia Chief Financial Officer who shall use those funds solely for the purposes of carrying out the Credit Enhancement Program, Direct Loan Fund Grant Program, and any other charter school financing under the management of the Office: Provided further, That in this and subsequent fiscal years the Office of the Chief Financial Officer shall conduct an annual audit of the funds expended by the Office and provide an annual financial report to the Mayor, the Council of the District of Columbia, the Office of the District of Columbia Treasurer and the Committees on Appropriations of the House of Representatives and Senate for these funds showing, by object class, the expenditures made and the purpose therefor: Provided further, That not more than \$1,000,000 of the total amount appropriated for this program may be used for administrative expenses and training expenses related to the cost of the National Charter School Conference(s) to be hosted by December 2006; and no more than 5 percent of the funds appropriated for the direct loan fund may be used for administrative expenses related to the administration and annual audit of the direct loan, grant, and credit enhancement programs.

**FEDERAL PAYMENT FOR BIOTERRORISM AND FORENSICS LABORATORY**

For a Federal payment to the District of Columbia, \$8,000,000, to remain available until September 30, 2006, for design, planning, and procurement costs associated with the construction

of a bioterrorism and forensics laboratory: Provided, That the District of Columbia shall provide an additional \$2,300,000 with local funds as a condition of receiving this payment.

**TITLE II—DISTRICT OF COLUMBIA FUNDS  
OPERATING EXPENSES  
DIVISION OF EXPENSES**

The following amounts are appropriated for the District of Columbia for the current fiscal year out of the general fund of the District of Columbia, except as otherwise specifically provided: Provided, That notwithstanding any other provision of law, except as provided in section 450A of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.50a) and the provisions of this Act, the total amount appropriated in this Act for operating expenses for the District of Columbia for fiscal year 2005 under this heading shall not exceed the lesser of the sum of the total revenues of the District of Columbia for such fiscal year or \$7,206,164,000 (of which \$4,215,088,000 shall be from local funds, \$1,762,046,000 shall be from Federal funds, \$1,214,843,000 shall be from other funds, and \$14,817,000 shall be from private funds), and an intra-district amount of \$435,054,000, in addition, \$186,900,000 from funds previously appropriated in this Act as Federal payments: Provided further, That this amount may be increased by proceeds of one-time transactions, which are expended for emergency or unanticipated operating or capital needs: Provided further, That such increases shall be approved by enactment of local District law and shall comply with all reserve requirements contained in the District of Columbia Home Rule Act as amended by this Act: Provided further, That the Chief Financial Officer of the District of Columbia shall take such steps as are necessary to assure that the District of Columbia meets these requirements, including the apportioning by the Chief Financial Officer of the appropriations and funds made available to the District during fiscal year 2005, except that the Chief Financial Officer may not reprogram for operating expenses any funds derived from bonds, notes, or other obligations issued for capital projects.

**GOVERNMENTAL DIRECTION AND SUPPORT**

Governmental direction and support, \$416,069,000 (including \$261,068,000 from local funds, \$100,256,000 from Federal funds, and \$54,745,000 from other funds), in addition, \$32,500,000 from funds previously appropriated in this Act under the heading "Federal Payment to the Office of the Chief Financial Officer of the District of Columbia", \$15,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Emergency Planning and Security Costs in the District of Columbia", and \$5,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Foster Care Improvements in the District of Columbia": Provided, That not to exceed \$9,300 for the Mayor, \$9,300 for the Chairman of the Council of the District of Columbia, \$9,300 for the City Administrator, and \$9,300 for the Office of the Chief Financial Officer shall be available from this appropriation for official reception and representation expenses: Provided further, That any program fees collected from the issuance of debt shall be available for the payment of expenses of the debt management program of the District of Columbia: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Statehood Commission and Statehood Compact Commission: Provided further, That the District of Columbia shall identify the sources of funding for Admission to Statehood from its own locally generated revenues: Provided further, That notwithstanding any other provision of law, or Mayor's Order 86-45, issued March 18, 1986, the Office of the Chief Technology Officer's delegated small purchase authority shall be \$500,000: Provided further, That the District of Columbia government may not require the Office of the Chief



Technology Officer to submit to any other procurement review process, or to obtain the approval of or be restricted in any manner by any official or employee of the District of Columbia government, for purchases that do not exceed \$500,000.

#### ECONOMIC DEVELOPMENT AND REGULATION

Economic development and regulation, \$334,745,000 (including \$55,764,000 from local funds, \$93,050,000 from Federal funds, \$185,806,000 from other funds, and \$125,000 from private funds), of which \$13,000,000 collected by the District of Columbia in the form of BID tax revenue shall be paid to the respective BIDs pursuant to the Business Improvement Districts Act of 1996 (D.C. Law 11-134; D.C. Official Code, sec. 2-1215.01 et seq.), and the Business Improvement Districts Amendment Act of 1997 (D.C. Law 12-26; D.C. Official Code, sec. 2-1215.15 et seq.): Provided, That such funds are available for acquiring services provided by the General Services Administration: Provided further, That Business Improvement Districts shall be exempt from taxes levied by the District of Columbia: Provided further, That local funds in the amount of \$1,200,000 shall be appropriated for the Excel Institute.

#### PUBLIC SAFETY AND JUSTICE

Public safety and justice, \$798,723,000 (including \$760,849,000 from local funds, \$7,899,000 from Federal funds, \$29,966,000 from other funds, and \$9,000 from private funds), in addition, \$1,300,000 from funds previously appropriated in this Act under the heading "Federal Payment to the Criminal Justice Coordinating Council": Provided, That not to exceed \$500,000 shall be available from this appropriation for the Chief of Police for the prevention and detection of crime: Provided further, That the Mayor shall reimburse the District of Columbia National Guard for expenses incurred in connection with services that are performed in emergencies by the National Guard in a militia status and are requested by the Mayor, in amounts that shall be jointly determined and certified as due and payable for these services by the Mayor and the Commanding General of the District of Columbia National Guard: Provided further, That such sums as may be necessary for reimbursement to the District of Columbia National Guard under the preceding proviso shall be available from this appropriation, and the availability of the sums shall be deemed as constituting payment in advance for emergency services involved.

#### PUBLIC EDUCATION SYSTEM

##### (INCLUDING TRANSFERS OF FUNDS)

Public education system, including the development of national defense education programs, \$1,266,424,000 (including \$1,058,709,000 from local funds, \$194,979,000 from Federal funds, \$8,957,000 from other funds, \$3,780,000 from private funds to be allocated as follows:

(1) DISTRICT OF COLUMBIA PUBLIC SCHOOLS.—\$901,944,000 (including \$760,494,000 from local funds, \$130,450,000 from Federal funds, \$7,330,000 from other funds, \$3,670,000 from private funds, and not to exceed \$6,816,000, to remain available until expended, from the Medicaid and Special Education Reform Fund established pursuant to the Medicaid and Special Education Reform Fund Establishment Act of 2002 (D.C. Law 14-190; D.C. Official Code 4-204.51 et seq.)), and \$14,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for School Improvement in the District of Columbia" shall be available for District of Columbia Public Schools: Provided, That notwithstanding any other provision of law, rule, or regulation, the evaluation process and instruments for evaluating District of Columbia Public School employees shall be a non-negotiable item for collective bargaining purposes: Provided further, That this appropriation shall not be available to subsidize the education of any nonresident of the District of

Columbia at any District of Columbia public elementary or secondary school during fiscal year 2005 unless the nonresident pays tuition to the District of Columbia at a rate that covers 100 percent of the costs incurred by the District of Columbia that are attributable to the education of the nonresident (as established by the Superintendent of the District of Columbia Public Schools): Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia Public Schools on July 1, 2005, an amount equal to 10 percent of the total amount of the local funds provided for the District of Columbia Public Schools in the proposed budget of the District of Columbia for fiscal year 2005 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the District of Columbia Public Schools under the District of Columbia Appropriations Act, 2005: Provided further, That not to exceed \$9,300 for the Superintendent of Schools shall be available from this appropriation for official reception and representation expenses.

(2) TEACHERS' RETIREMENT FUND.—\$9,200,000 from local funds shall be available for the Teachers' Retirement Fund.

(3) STATE EDUCATION OFFICE.—\$73,104,000 (including \$10,015,000 from local funds, \$62,914,000 from Federal funds, and \$176,000 from other funds), in addition, \$26,500,000 from funds previously appropriated in this Act under the heading "Federal Payment for Resident Tuition Support" and \$14,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for School Improvement in the District of Columbia" shall be available for the State Education Office: Provided, That of the amounts provided to the State Education Office, \$500,000 from local funds shall remain available until June 30, 2006 for an audit of the student enrollment of each District of Columbia Public School and of each District of Columbia public charter school.

(4) DISTRICT OF COLUMBIA PUBLIC CHARTER SCHOOLS.—\$196,802,000 from local funds shall be available for District of Columbia public charter schools: Provided, That there shall be quarterly disbursement of funds to the District of Columbia public charter schools, with the first payment to occur within 15 days of the beginning of the fiscal year: Provided further, That if the entirety of this allocation has not been provided as payments to any public charter schools currently in operation through the per pupil funding formula, the funds shall remain available as follows: (A) the first \$3,000,000 shall be deposited in the Credit Enhancement Revolving Fund established pursuant to section 603(e) of the Student Loan Marketing Association Reorganization Act of 1996 (Public Law 104-208; 110 Stat. 3009; 20 U.S.C. 1155(e)); and (B) the balance shall be for public education in accordance with section 2403(b)(2) of the District of Columbia School Reform Act of 1995 (D.C. Official Code, sec. 38-1804.03(b)(2)): Provided further, That of the amounts made available to District of Columbia public charter schools, \$25,000 shall be made available to the Office of the Chief Financial Officer as authorized by section 2403(b)(6) of the District of Columbia School Reform Act of 1995 (D.C. Official Code, sec. 38-1804.03(b)(6)): Provided further, That \$660,000 of this amount shall be available to the District of Columbia Public Charter School Board for administrative costs: Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the District of Columbia public charter schools on July 1, 2005, an amount equal to 25 percent of the total amount of the local funds appropriations request provided for payments to public charter schools in the proposed budget of the District of Columbia for fiscal year 2005 (as submitted to Congress), and the amount of such payment shall be

chargeable against the final amount provided for such payments under the District of Columbia Appropriations Act, 2005: Provided further, That notwithstanding any other provision of law, of the funds appropriated herein for the District of Columbia Public Charter Schools, the Chief Financial Officer of the District of Columbia, in coordination with the District of Columbia Chartering Authorities for the District of Columbia Public Charter Schools, shall establish requirements, policies and procedures for the performance of a single financial audit, to be performed by one auditing firm selected by the Chief Financial Officer of the District of Columbia: Provided further, That beginning in fiscal year 2005, the District of Columbia Chartering Authorities for the District of Columbia Public Charter Schools shall implement and follow these requirements (including, but not limited to, the terms and conditions), policies and procedures to ensure the completion of the annual financial single audit of all District of Columbia Public Charter Schools conducted in accordance herewith.

(5) UNIVERSITY OF THE DISTRICT OF COLUMBIA SUBSIDY.—\$49,602,000 from local funds shall be available for the University of the District of Columbia: Provided, That this appropriation shall not be available to subsidize the education of nonresidents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2005, a tuition rate schedule that will establish the tuition rate for nonresident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area: Provided further, That notwithstanding the amounts otherwise provided under this heading or any other provision of law, there shall be appropriated to the University of the District of Columbia on July 1, 2005, an amount equal to 10 percent of the total amount of the local funds appropriations request provided for the University of the District of Columbia in the proposed budget of the District of Columbia for fiscal year 2005 (as submitted to Congress), and the amount of such payment shall be chargeable against the final amount provided for the University of the District of Columbia under the District of Columbia Appropriations Act, 2005: Provided further, That not to exceed \$9,300 for the President of the University of the District of Columbia shall be available from this appropriation for official reception and representation expenses.

(6) DISTRICT OF COLUMBIA PUBLIC LIBRARIES.—\$30,831,000 (including \$28,978,000 from local funds, \$1,093,000 from Federal funds, and \$651,000 from other funds) shall be available for the District of Columbia Public Libraries: Provided, That not to exceed \$7,500 for the Public Librarian shall be available from this appropriation for official reception and representation expenses.

(7) COMMISSION ON THE ARTS AND HUMANITIES.—\$4,941,000 (including \$3,618,000 from local funds, \$523,000 from Federal funds, and \$800,000 from other funds) shall be available for the Commission on the Arts and Humanities.

#### HUMAN SUPPORT SERVICES

##### (INCLUDING TRANSFER OF FUNDS)

Human support services, \$2,533,825,000 (including \$1,165,314,000 from local funds, \$1,331,670,000 from Federal funds, \$27,441,000 from other funds, \$9,400,000 from private funds, in addition, \$5,000,000 from funds previously appropriated in this Act under the heading "Federal Payment to Foster Care Improvements in the District of Columbia": Provided, That \$29,600,000 of this appropriation, to remain available until expended, shall be available solely for District of Columbia employees' disability compensation: Provided further, That no less than \$8,498,720, to remain available until expended, shall be deposited in the Addiction Recovery Fund, established pursuant to section 5

of the Choice in Drug Treatment Act of 2000 (D.C. Law 13-146; D.C. Official Code, sec. 7-3004) and used exclusively for the purpose of the Choice in Drug Treatment program, established pursuant to section 4 of the Choice in Drug Treatment Act of 2000 (D.C. Law 13-146; D.C. Official Code, sec. 7-3003), of which \$7,500,000 shall be provided from local funds: Provided further, That none of the \$8,498,720 for the Choice in Drug Treatment program shall be used by the Department of Health's Addiction Prevention and Recovery Administration to provide youth residential treatment services or youth outpatient treatment services: Provided further, That no less than \$2,000,000 shall be available to the Department of Health's Addiction Prevention and Recovery Administration exclusively for the purpose of providing youth residential treatment services: Provided further, That no less than \$1,575,416 shall be available to the Department of Health's Addiction Prevention and Recovery Administration exclusively for the purpose of providing youth outpatient treatment services, of which \$750,000 shall be made available exclusively to provide intensive outpatient treatment slots, outpatient treatment slots, and other program costs for youth in the care of the Youth Services Administration: Provided further, That no less than \$1,400,000 shall be used by the Department of Health's Addiction Prevention and Recovery Administration to fund a Child and Family Services Agency pilot project entitled Family Treatment Court: Provided further, That \$1,200,000 of local funds, to remain available until expended, shall be deposited in the Adoption Voucher Fund, established pursuant to section 3805(a) of the Adoption Voucher Fund Act of 2000, effective October 19, 2000 (D.C. Law 13-172; D.C. Official Code, sec. 4-344(a)), to be used exclusively for the purposes set forth in section 3805(b) of the Adoption Voucher Fund Act (D.C. Official Code, sec. 4-344(b)): Provided further, That no less than \$300,000 shall be used by the Department of Health's Environmental Health Administration to operate the Total Maximum Daily Load program: Provided further, That no less than \$1,268,500 shall be used by the Department of Health's Environmental Health Administration to operate its air quality programs, of which no less than \$242,000 shall be used to fund 4 full-time air quality employees: Provided further, That the Department of Human Services, Youth Services Administration shall not expend any appropriated fiscal year 2005 funds until the Mayor has submitted to the Council by September 30, 2004 a plan, including time lines, to close the Oak Hill Youth Center at the earliest feasible date. All of the above proviso amounts in this heading relate back to and are a subset of the first-referenced appropriation amount of \$2,533,825,000.

#### PUBLIC WORKS

Public works, including rental of one passenger-carrying vehicle for use by the Mayor and three passenger-carrying vehicles for use by the Council of the District of Columbia and leasing of passenger-carrying vehicles, \$331,936,000 (including \$312,035,000 from local funds, \$4,000,000 from Federal funds, and \$15,901,000 from other funds), in addition, \$5,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Transportation Assistance": Provided, That this appropriation shall not be available for collecting ashes or miscellaneous refuse from hotels and places of business.

#### CASH RESERVE

For the cumulative cash reserve established pursuant to section 202(j)(2) of the District of Columbia Financial Responsibility and Management Assistance Act of 1995 (D.C. Official Code, sec. 47-392.02(j)(2)), \$50,000,000 from local funds.

#### EMERGENCY AND CONTINGENCY RESERVE FUNDS

For the emergency reserve fund and the contingency reserve fund under section 450A of the

District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.50a), such additional amounts from the District's general fund balance as are necessary to meet the balance requirements for funds under section 450A.

#### REPAYMENT OF LOANS AND INTEREST

For payment of principal, interest, and certain fees directly resulting from borrowing by the District of Columbia to fund District of Columbia capital projects as authorized by sections 462, 475, and 490 of the District of Columbia Home Rule Act (D.C. Official Code, secs. 1-204.62, 1-204.75, and 1-204.90), \$347,700,000 from local funds.

#### PAYMENT OF INTEREST ON SHORT-TERM BORROWING

For payment of interest on short-term borrowing, \$4,000,000 from local funds.

#### CERTIFICATES OF PARTICIPATION

For principal and interest payments on the District's Certificates of Participation, issued to finance the ground lease underlying the building located at One Judiciary Square, \$11,252,000 from local funds.

#### SETTLEMENTS AND JUDGMENTS

For making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government, \$20,270,000 from local funds: Provided, That this appropriation shall not be construed as modifying or affecting the provisions of section 103 of this Act.

#### WILSON BUILDING

For expenses associated with the John A. Wilson building, \$3,633,000 from local funds.

#### WORKFORCE INVESTMENTS

For workforce investments, \$38,114,000 from local funds, to be transferred by the Mayor of the District of Columbia within the various appropriation headings in this Act for which employees are properly payable: Provided, That of this amount \$3,548,000 shall remain available until expended to meet the requirements of the Compensation Agreement Between the District of Columbia Government Units 1 and 2 Approval Resolution of 2004, effective February 17, 2004 (Res. 15-459; 51 DCR 2325).

#### NON-DEPARTMENTAL AGENCY

To account for anticipated costs that cannot be allocated to specific agencies during the development of the proposed budget, \$13,946,000 (including \$4,000,000 from local funds and \$9,946,000 from other funds) to be transferred by the Mayor of the District of Columbia within the various appropriations headings in this Act: Provided, That \$4,000,000 from local funds shall be for anticipated costs associated with the No Child Left Behind Act.

#### PAY-AS-YOU-GO CAPITAL

For Pay-As-You-Go Capital funds in lieu of capital financing, \$6,531,000 from local funds, to be transferred to the Capital Fund, subject to the Criteria for Spending Pay-as-You-Go Funding Amendment Act of 2003 (D.C. Act 15-106): Provided, That pursuant to this Act, there are authorized to be transferred from Pay-As-You-Go Capital funds to other headings of this Act, such sums as may be necessary to carry out the purposes of this Act.

#### EMERGENCY PLANNING AND SECURITY FUND

For Emergency Planning and Security Fund, \$15,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for Planning and Security Costs in the District of Columbia".

#### OLD CONVENTION CENTER DEMOLITION RESERVE

For the Old Convention Center Demolition Reserve, such amounts as may be necessary, not to exceed \$11,000,000, from the District's general fund balance.

#### TAX INCREMENT FINANCING PROGRAM

For a Tax Increment Financing Program, such amounts as are necessary to meet the Tax

Increment Financing requirements, not to exceed \$9,710,000 from the District's general fund balance.

#### PAY-AS-YOU-GO CONTINGENCY

For Pay-As-You-Go Contingency Fund, \$43,137,000, subject to the Criteria for Spending Pay-as-You-Go Funding Act of 2004, approved by the Council of the District of Columbia on 1st reading, May 14, 2004 (Title I of Bill 15-768), there are authorized to be transferred from the contingency fund to certain other headings of this Act as necessary to carry out the purposes of this Act. Expenditures from the Pay-As-You-Go Contingency Fund shall be subject to the approval of the Council by resolution.

#### REVISED REVENUE ESTIMATE CONTINGENCY PRIORITY

If the Chief Financial Officer for the District of Columbia certifies through a revised revenue estimate that funds are available from local funds, such available funds shall be expended as provided in the Contingency for Recordation and Transfer Tax Reduction and the Office of Property Management and Library Expenditures Act of 2004, approved by the Council of the District of Columbia on 1st reading, May 14, 2004 (Bill 15-768), including up to \$2,000,000 to the Office of Property Management, up to \$1,200,000 to the District of Columbia Public Library, up to \$256,000 to the D.C. Police and Firefighters Retirement and Relief Board, and \$132,600 for the Police and Fire Clinic.

#### ENTERPRISE AND OTHER FUNDS

##### WATER AND SEWER AUTHORITY

For operation of the Water and Sewer Authority, \$287,206,000 from other funds, of which \$15,180,402 shall be apportioned for repayment of loans and interest incurred for capital improvement projects and payable to the District's debt service fund.

For construction projects, \$371,040,000, to be distributed as follows: \$181,656,000 for the Blue Plains Wastewater Treatment Plant, \$43,800,000 for the sewer program, \$9,118,000 for the stormwater program, \$122,627,000 for the water program, and \$13,839,000 for the capital equipment program; in addition, \$10,000,000 from funds previously appropriated in this Act under the heading "Federal Payment to the District of Columbia Water and Sewer Authority": Provided, That the requirements and restrictions that are applicable to general fund capital improvement projects and set forth in this Act under the Capital Outlay appropriation account shall apply to projects approved under this appropriation account.

##### WASHINGTON AQUEDUCT

For operation of the Washington Aqueduct, \$47,972,000 from other funds.

##### STORMWATER PERMIT COMPLIANCE ENTERPRISE FUND

For operation of the Stormwater Permit Compliance Enterprise Fund, \$3,792,000 from other funds.

##### LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

For the Lottery and Charitable Games Enterprise Fund, established by the District of Columbia Appropriation Act, 1982, for the purpose of implementing the Law to Legalize Lotteries, Daily Numbers Games, and Bingo and Raffles for Charitable Purposes in the District of Columbia (D.C. Law 3-172; D.C. Official Code, sec. 3-1301 et seq. and sec. 22-1716 et seq.), \$247,000,000 from other funds: Provided, That the District of Columbia shall identify the source of funding for this appropriation title from the District's own locally generated revenues: Provided further, That no revenues from Federal sources shall be used to support the operations or activities of the Lottery and Charitable Games Control Board: Provided further,

That the Lottery and Charitable Games Enterprise Fund is hereby authorized to make transfers to the general fund of the District of Columbia, in excess of this appropriation, if such funds are available for transfer.

#### SPORTS AND ENTERTAINMENT COMMISSION

For the Sports and Entertainment Commission, \$7,322,000 from other funds: Provided, That the paragraph under the heading "Sports and Entertainment Commission" in Public Law 108-199 (118 Stat. 125) is amended by striking the term "local funds" and inserting the term "other funds" in its place.

#### DISTRICT OF COLUMBIA RETIREMENT BOARD

For the District of Columbia Retirement Board, established pursuant to section 121 of the District of Columbia Retirement Reform Act of 1979 (D.C. Official Code, sec. 1-711), \$15,277,000 from the earnings of the applicable retirement funds to pay legal, management, investment, and other fees and administrative expenses of the District of Columbia Retirement Board: Provided, That the District of Columbia Retirement Board shall provide to the Congress and to the Council of the District of Columbia a quarterly report of the allocations of charges by fund and of expenditures of all funds: Provided further, That the District of Columbia Retirement Board shall provide the Mayor, for transmittal to the Council of the District of Columbia, an itemized accounting of the planned use of appropriated funds in time for each annual budget submission and the actual use of such funds in time for each annual audited financial report.

#### WASHINGTON CONVENTION CENTER ENTERPRISE FUND

For the Washington Convention Center Enterprise Fund, \$77,176,000 from other funds.

#### NATIONAL CAPITAL REVITALIZATION CORPORATION

For the National Capital Revitalization Corporation, \$7,850,000 from other funds.

#### UNIVERSITY OF THE DISTRICT OF COLUMBIA

For the University of the District of Columbia, \$85,102,000 (including, \$49,602,000 from local funds previously appropriated in this Act under the heading "Public Education Systems", \$15,192,000 from Federal funds, \$19,434,000 from other funds, and \$873,000 from private funds): Provided, That this appropriation shall not be available to subsidize the education of non-residents of the District of Columbia at the University of the District of Columbia, unless the Board of Trustees of the University of the District of Columbia adopts, for the fiscal year ending September 30, 2005, a tuition rate schedule that will establish the tuition rate for non-resident students at a level no lower than the nonresident tuition rate charged at comparable public institutions of higher education in the metropolitan area.

#### UNEMPLOYMENT COMPENSATION FUND

For the Unemployment Compensation Fund, \$180,000,000 from other funds.

#### DISTRICT OF COLUMBIA PERSONNEL TRUST FUND

For the District of Columbia Personnel Trust Fund, \$953,000 from other funds.

#### DISTRICT OF COLUMBIA PUBLIC LIBRARY TRUST FUND

For the District of Columbia Public Library Trust Fund, \$17,000 from other funds: Provided, That \$7,000 shall be for the Theodore W. Noyes Trust Fund: Provided further, That \$10,000 shall be for the Peabody Trust Fund.

#### CAPITAL OUTLAY

##### (INCLUDING RESCISSIONS)

For construction projects, an increase of \$1,087,649,000, of which \$839,897,000 shall be from local funds, \$38,542,000 from Highway Trust funds, \$37,000,000 from the Rights-of-way funds, \$172,209,000 from Federal funds, and a rescission of \$367,763,000 from local funds appropriated under this heading in prior fiscal years,

for a net amount of \$725,886,000, to remain available until expended; in addition, \$7,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for the Unified Communications Center" and \$3,000,000 from funds previously appropriated in this Act under the heading "Federal Payment for the Anacostia Waterfront Initiative": Provided, That funds for use of each capital project implementing agency shall be managed and controlled in accordance with all procedures and limitations established under the Financial Management System: Provided further, That all funds provided by this appropriation title shall be available only for the specific projects and purposes intended: Provided further, That the Office of the Chief Technology Officer of the District of Columbia shall implement the following information technology projects on behalf of the District of Columbia Public Schools: Student Information System (project number T2240), Student Information System PCS (project number T2241), Enterprise Resource Planning (project number T2242), E-Rate (project number T2243), and SETS Expansion PCS (project number T2244).

#### TITLE III—GENERAL PROVISIONS

SEC. 301. Whenever in this Act, an amount is specified within an appropriation for particular purposes or objects of expenditure, such amount, unless otherwise specified, shall be considered as the maximum amount that may be expended for said purpose or object rather than an amount set apart exclusively therefor.

SEC. 302. Appropriations in this Act shall be available for expenses of travel and for the payment of dues of organizations concerned with the work of the District of Columbia government, when authorized by the Mayor: Provided, That in the case of the Council of the District of Columbia, funds may be expended with the authorization of the Chairman of the Council.

SEC. 303. There are appropriated from the applicable funds of the District of Columbia such sums as may be necessary for making refunds and for the payment of legal settlements or judgments that have been entered against the District of Columbia government.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly to provided herein.

SEC. 305. None of the funds appropriated in this Act shall be made available to pay the salary of any employee of the District of Columbia government whose name, title, grade, and salary are not available for inspection by the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Council of the District of Columbia, or their duly authorized representatives.

SEC. 306. None of the Federal funds provided in this Act may be used for publicity or propaganda purposes or implementation of any policy including boycott designed to support or defeat legislation pending before Congress or any State legislature.

SEC. 307. (a) None of the Federal funds provided in this Act may be used to carry out lobbying activities on any matter.

(b) Nothing in this section may be construed to prohibit any elected official from advocating with respect to any issue.

SEC. 308. (a) None of the funds provided under this Act to the agencies funded by this Act, both Federal and District government agencies, that remain available for obligation or expenditure in fiscal year 2005, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditures for an agency through a reprogramming of funds which—

(1) creates new programs;

(2) eliminates a program, project, or responsibility center;

(3) establishes or changes allocations specifically denied, limited or increased under this Act;

(4) increases funds or personnel by any means for any program, project, or responsibility center for which funds have been denied or restricted;

(5) reestablishes any program or project previously deferred through reprogramming;

(6) augments any existing program, project, or responsibility center through a reprogramming of funds in excess of \$1,000,000 or 10 percent, whichever is less; or

(7) increases by 20 percent or more personnel assigned to a specific program, project or responsibility center, unless the Committee on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the reprogramming.

(b) None of the local funds contained in this Act may be available for obligation or expenditure for an agency through a transfer of any local funds in excess of \$1,000,000 from one appropriation heading to another unless the Committees on Appropriations of the House of Representatives and Senate are notified in writing 15 days in advance of the transfer, except that in no event may the amount of any funds transferred exceed 4 percent of the local funds in the appropriations.

SEC. 309. Consistent with the provisions of section 1301(a) of title 31, United States Code, appropriations under this Act shall be applied only to the objects for which the appropriations were made except as otherwise provided by law.

SEC. 310. Notwithstanding any other provisions of law, the provisions of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (D.C. Law 2-139; D.C. Official Code, sec. 1-601.01 et seq.), enacted pursuant to section 422(3) of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-2041.22(3)), shall apply with respect to the compensation of District of Columbia employees: Provided, That for pay purposes, employees of the District of Columbia government shall not be subject to the provisions of title 5, United States Code.

SEC. 311. No later than 30 days after the end of the first quarter of fiscal year 2005, the Mayor of the District of Columbia shall submit to the Council of the District of Columbia and the Committees on Appropriations of the House of Representatives and Senate the new fiscal year 2005 revenue estimates as of the end of such quarter. These estimates shall be used in the budget request for fiscal year 2005. The officially revised estimates at midyear shall be used for the midyear report.

SEC. 312. No sole source contract with the District of Columbia government or any agency thereof may be renewed or extended without opening that contract to the competitive bidding process as set forth in section 303 of the District of Columbia Procurement Practices Act of 1985 (D.C. Law 6-85; D.C. Official Code, sec. 2-303.03), except that the District of Columbia government or any agency thereof may renew or extend sole source contracts for which competition is not feasible or practical, but only if the determination as to whether to invoke the competitive bidding process has been made in accordance with duly promulgated rules and procedures and has been reviewed and certified by the Chief Financial Officer of the District of Columbia.

SEC. 313. None of the Federal funds provided in this Act may be used by the District of Columbia to provide for salaries, expenses, or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of the District of Columbia Statehood Constitutional Convention Initiatives of 1979 (D.C. Law 3-171; D.C. Official Code, sec. 1-123).

SEC. 314. None of the funds appropriated under this Act shall be expended for any abortion except where the life of the mother would

be endangered if the fetus were carried to term or where the pregnancy is the result of an act of rape or incest.

SEC. 315. None of the Federal funds made available in this Act may be used to implement or enforce the Health Care Benefits Expansion Act of 1992 (D.C. Law 9-114; D.C. Official Code, sec. 32-701 et seq.) or to otherwise implement or enforce any system of registration of unmarried, cohabiting couples, including but not limited to registration for the purpose of extending employment, health, or governmental benefits to such couples on the same basis that such benefits are extended to legally married couples.

SEC. 316. (a) Notwithstanding any other provision of this Act, the Mayor, in consultation with the Chief Financial Officer of the District of Columbia may accept, obligate, and expend Federal, private, and other grants received by the District government that are not reflected in the amounts appropriated in this Act.

(b)(1) No such Federal, private, or other grant may be accepted, obligated, or expended pursuant to subsection (a) until—

(A) the Chief Financial Officer of the District of Columbia submits to the Council a report setting forth detailed information regarding such grant; and

(B) the Council has reviewed and approved the acceptance, obligation, and expenditure of such grant.

(2) For purposes of paragraph (1)(B), the Council shall be deemed to have reviewed and approved the acceptance, obligation, and expenditure of a grant if—

(A) no written notice of disapproval is filed with the Secretary of the Council within 14 calendar days of the receipt of the report from the Chief Financial Officer under paragraph (1)(A); or

(B) if such a notice of disapproval is filed within such deadline, the Council does not by resolution disapprove the acceptance, obligation, or expenditure of the grant within 30 calendar days of the initial receipt of the report from the Chief Financial Officer under paragraph (1)(A).

(c) No amount may be obligated or expended from the general fund or other funds of the District of Columbia government in anticipation of the approval or receipt of a grant under subsection (b)(2) or in anticipation of the approval or receipt of a Federal, private, or other grant not subject to such subsection.

(d) The Chief Financial Officer of the District of Columbia may adjust the budget for Federal, private, and other grants received by the District government reflected in the amounts appropriated in this Act, or approved and received under subsection (b)(2) to reflect a change in the actual amount of the grant.

(e) The Chief Financial Officer of the District of Columbia shall prepare a quarterly report setting forth detailed information regarding all Federal, private, and other grants subject to this section. Each such report shall be submitted to the Council of the District of Columbia and to the Committees on Appropriations of the House of Representatives and Senate not later than 15 days after the end of the quarter covered by the report.

SEC. 317. (a) Except as otherwise provided in this section, none of the funds made available by this Act or by any other Act may be used to provide any officer or employee of the District of Columbia with an official vehicle unless the officer or employee uses the vehicle only in the performance of the officer's or employee's official duties. For purposes of this paragraph, the term "official duties" does not include travel between the officer's or employee's residence and workplace, except in the case of—

(1) an officer or employee of the Metropolitan Police Department who resides in the District of Columbia or is otherwise designated by the Chief of the Department;

(2) an officer or employee of the District of Columbia Fire and Emergency Medical Services

Department who resides in the District of Columbia and is on call 24 hours a day or is otherwise designated by the Fire Chief;

(3) the Mayor of the District of Columbia; and

(4) the Chairman of the Council of the District of Columbia.

(b) The Chief Financial Officer of the District of Columbia shall submit by March 1, 2005, an inventory, as of September 30, 2004, of all vehicles owned, leased or operated by the District of Columbia government. The inventory shall include, but not be limited to, the department to which the vehicle is assigned; the year and make of the vehicle; the acquisition date and cost; the general condition of the vehicle; annual operating and maintenance costs; current mileage; and whether the vehicle is allowed to be taken home by a District officer or employee and if so, the officer or employee's title and residential location.

SEC. 318. None of the funds contained in this Act may be used for purposes of the annual independent audit of the District of Columbia government for fiscal year 2005 unless—

(1) the audit is conducted by the Inspector General of the District of Columbia, in coordination with the Chief Financial Officer of the District of Columbia, pursuant to section 208(a)(4) of the District of Columbia Procurement Practices Act of 1985 (D.C. Official Code, sec. 2-302.8); and

(2) the audit includes as a basic financial statement a comparison of audited actual year-end results with the revenues submitted in the budget document for such year and the appropriations enacted into law for such year using the format, terminology, and classifications contained in the law making the appropriations for the year and its legislative history.

SEC. 319. (a) None of the Federal funds contained in this Act may be used by the District of Columbia Corporation Counsel or any other officer or entity of the District government to provide assistance for any petition drive or civil action which seeks to require Congress to provide for voting representation in Congress for the District of Columbia.

(b) Nothing in this section bars the District of Columbia Corporation Counsel from reviewing or commenting on briefs in private lawsuits, or from consulting with officials of the District government regarding such lawsuits.

SEC. 320. (a) None of the Federal funds contained in this Act may be used for any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

(b) Any individual or entity who receives any funds contained in this Act and who carries out any program described in subsection (a) shall account for all funds used for such program separately from any funds contained in this Act.

SEC. 321. None of the funds contained in this Act may be used after the expiration of the 60-day period that begins on the date of the enactment of this Act to pay the salary of any chief financial officer of any office of the District of Columbia government (including any independent agency of the District of Columbia) who has not filed a certification with the Mayor and the Chief Financial Officer of the District of Columbia that the officer understands the duties and restrictions applicable to the officer and the officer's agency as a result of this Act (and the amendments made by this Act), including any duty to prepare a report requested either in the Act or in any of the reports accompanying the Act and the deadline by which each report must be submitted. The Chief Financial Officer of the District of Columbia shall provide to the Committees on Appropriations of the House of Representatives and Senate by the 10th day after the end of each quarter a summary list showing each report, the due date, and the date submitted to the Committees.

SEC. 322. (a) None of the funds contained in this Act may be used to enact or carry out any law, rule, or regulation to legalize or otherwise reduce penalties associated with the possession,

use, or distribution of any schedule I substance under the Controlled Substances Act (21 U.S.C. 802) or any tetrahydrocannabinols derivative.

(b) The Legalization of Marijuana for Medical Treatment Initiative of 1998, also known as Initiative 59, approved by the electors of the District of Columbia on November 3, 1998, shall not take effect.

SEC. 323. Nothing in this Act may be construed to prevent the Council or Mayor of the District of Columbia from addressing the issue of the provision of contraceptive coverage by health insurance plans, but it is the intent of Congress that any legislation enacted on such issue should include a "conscience clause" which provides exceptions for religious beliefs and moral convictions.

SEC. 324. The Mayor of the District of Columbia shall submit to the Committees on Appropriations of the House of Representatives and Senate, the Committee on Government Reform of the House of Representatives, and the Committee on Governmental Affairs of the Senate quarterly reports addressing—

(1) crime, including the homicide rate, implementation of community policing, the number of police officers on local beats, and the closing down of open-air drug markets;

(2) access to substance and alcohol abuse treatment, including the number of treatment slots, the number of people served, the number of people on waiting lists, and the effectiveness of treatment programs;

(3) management of parolees and pre-trial violent offenders, including the number of halfway houses escapes and steps taken to improve monitoring and supervision of halfway house residents to reduce the number of escapes to be provided in consultation with the Court Services and Offender Supervision Agency for the District of Columbia;

(4) education, including access to special education services and student achievement to be provided in consultation with the District of Columbia Public Schools and the District of Columbia public charter schools;

(5) improvement in basic District services, including rat control and abatement;

(6) application for and management of Federal grants, including the number and type of grants for which the District was eligible but failed to apply and the number and type of grants awarded to the District but for which the District failed to spend the amounts received; and

(7) indicators of child well-being.

SEC. 325. (a) No later than 30 calendar days after the date of the enactment of this Act, the Chief Financial Officer of the District of Columbia shall submit to the appropriate committees of Congress, the Mayor, and the Council of the District of Columbia a revised appropriated funds operating budget in the format of the budget that the District of Columbia government submitted pursuant to section 442 of the District of Columbia Home Rule Act (D.C. Official Code, sec. 1-204.42), for all agencies of the District of Columbia government for fiscal year 2004 that is in the total amount of the approved appropriation and that realigns all budgeted data for personal services and other-than-personal-services, respectively, with anticipated actual expenditures.

(b) **APPLICABILITY.**—This provision shall apply only to an agency where the Chief Financial Officer of the District of Columbia certifies that a reallocation is required to address unanticipated changes in program requirements.

SEC. 326. None of the funds contained in this Act may be used to issue, administer, or enforce any order by the District of Columbia Commission on Human Rights relating to docket numbers 93-030-(PA) and 93-031-(PA).

SEC. 327. Notwithstanding any other law, the District of Columbia Courts shall transfer to the general treasury of the District of Columbia all fines levied and collected by the Courts under section 10(b)(1) and (2) of the District of Columbia Traffic Act (D.C. Official Code, sec. 50-

2201.05(b)(1) and (2)). The transferred funds shall remain available until expended and shall be used by the Office of the Corporation Counsel for enforcement and prosecution of District traffic alcohol laws in accordance with section 10(b)(3) of the District of Columbia Traffic Act (D.C. Official Code, sec. 50–2201.05(b)(3)).

SEC. 328. None of the funds contained in this Act may be made available to pay—

(1) the fees of an attorney who represents a party in an action or an attorney who defends an action, including an administrative proceeding, brought against the District of Columbia Public Schools under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) in excess of \$4,000 for that action; or

(2) the fees of an attorney or firm whom the Chief Financial Officer of the District of Columbia determines to have a pecuniary interest, either through an attorney, officer or employee of the firm, in any special education diagnostic services, schools, or other special education service providers.

SEC. 329. The Chief Financial Officer of the District of Columbia shall require attorneys in special education cases brought under the Individuals with Disabilities Act (IDEA) in the District of Columbia to certify in writing that the attorney or representative rendered any and all services for which they receive awards, including those received under a settlement agreement or as part of an administrative proceeding, under the IDEA from the District of Columbia: Provided, That as part of the certification, the Chief Financial Officer of the District of Columbia shall require all attorneys in IDEA cases to disclose any financial, corporate, legal, memberships on boards of directors, or other relationships with any special education diagnostic services, schools, or other special education service providers to which the attorneys have referred any clients as part of this certification: Provided further, That the Chief Financial Officer shall prepare and submit quarterly reports to the Committees on Appropriations of the House of Representatives and Senate on the certification of and the amount paid by the government of the District of Columbia, including the District of Columbia Public Schools, to attorneys in cases brought under IDEA: Provided further, That the Inspector General of the District of Columbia may conduct investigations to determine the accuracy of the certifications.

SEC. 330. Section 401(a) and (b) of Chapter 4 of Public Law 106–554 is hereby amended by striking paragraph (5).

SEC. 331. Sections 11–1701(b)(5), 11–1704(b), 11–1723(b), 11–2102(a)(2), and the second and third sentences of Section 11–1724, of the District of Columbia Official Code, are hereby repealed.

SEC. 332. Section 11–1728 of the District of Columbia Official Code, is amended to read as follows:

**“SEC. 11–1728. RECRUITMENT AND TRAINING OF PERSONNEL AND TRAVEL.**

“(a) The Executive Officer shall be responsible for recruiting such qualified personnel as may be necessary for the District of Columbia Courts and for providing in-service training for court personnel.

“(b) Travel under Federal supply schedules is authorized for the travel of court personnel on official business. The joint committee shall prescribe such requirements, conditions and restrictions for such travel as it considers appropriate, and shall include policies and procedures for preventing abuses of that travel authority.”.

SEC. 333. Section 450A of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code, sec. 1–204.50a), is amended as follows:

(1) Subsection (a) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

“(1) IN GENERAL.—There is established an emergency cash reserve fund (‘emergency reserve fund’) as an interest-bearing account (separate from other accounts in the General Fund)

into which the Mayor shall make a deposit in cash not later than October 1 of each fiscal year of such an amount as may be required to maintain a balance in the fund of at least 2 percent of the operating expenditures as defined in paragraph (2) of this subsection or such amount as may be required for deposit in a fiscal year in which the District is replenishing the emergency reserve fund pursuant to subsection (a)(7).”.

(B) Paragraph (2) is amended to read as follows:

“(2) IN GENERAL.—For the purpose of this subsection, operating expenditures is defined as the amount reported in the District of Columbia’s Comprehensive Annual Financial Report for the fiscal year immediately preceding the current fiscal year as the actual operating expenditure from local funds, less such amounts that are attributed to debt service payments for which a separate reserve fund is already established under this Act.”.

(C) Paragraph (7) is amended to read as follows:

“(7) REPLENISHMENT.—The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the emergency reserve fund during the preceding fiscal years so that not less than 50 percent of any amount allocated in the preceding fiscal year or the amount necessary to restore the emergency reserve fund to the 2 percent required balance, whichever is less, is replenished by the end of the first fiscal year following each such allocation and 100 percent of the amount allocated or the amount necessary to restore the emergency reserve fund to the 2 percent required balance, whichever is less, is replenished by the end of the second fiscal year following each such allocation.”.

(2) Subsection (b) is amended as follows:

(A) Paragraph (1) is amended to read as follows:

“(1) IN GENERAL.—There is established a contingency cash reserve fund (‘contingency reserve fund’) as an interest-bearing account, separate from other accounts in the General Fund, into which the Mayor shall make a deposit in cash not later than October 1 of each fiscal year of such amount as may be required to maintain a balance in the fund of at least 4 percent of the operating expenditures as defined in paragraph (2) of this subsection or such amount as may be required for deposit in a fiscal year in which the District is replenishing the emergency reserve fund pursuant to subsection (b)(6).”.

(B) Paragraph (2) is amended to read as follows:

“(2) IN GENERAL.—For the purpose of this subsection, operating expenditures is defined as the amount reported in the District of Columbia’s Comprehensive Annual Financial Report for the fiscal year immediately preceding the current fiscal year as the actual operating expenditure from local funds, less such amounts that are attributed to debt service payments for which a separate reserve fund is already established under this Act.”.

(C) Paragraph (6) is amended to read as follows:

“(6) REPLENISHMENT.—The District of Columbia shall appropriate sufficient funds each fiscal year in the budget process to replenish any amounts allocated from the contingency reserve fund during the preceding fiscal years so that not less than 50 percent of any amount allocated in the preceding fiscal year or the amount necessary to restore the contingency reserve fund to the 4 percent required balance, whichever is less, is replenished by the end of the first fiscal year following each such allocation and 100 percent of the amount allocated or the amount necessary to restore the contingency reserve fund to the 4 percent required balance, whichever is less, is replenished by the end of the second fiscal year following each such allocation.”.

SEC. 334. For fiscal year 2005, the Chief Financial Officer shall re-calculate the emergency

and contingency cash reserve funds amount established by Section 450A of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code, sec. 1–204.50a), as amended by this Act and is authorized to transfer funds between the emergency and contingency cash reserve funds to reach the required percentages: Provided, That for fiscal year 2005, the Chief Financial Officer may transfer funds from the emergency and contingency cash reserve funds to the general fund of the District of Columbia to the extent that such funds are not necessary to meet the requirements established for each fund: Provided further, That the Chief Financial Officer may not transfer funds from the emergency or the contingency reserve funds to the extent that such a transfer would lower the fiscal year 2005 total percentage below 7 percent of operating expenditures, as amended by this Act.

SEC. 335. Section 6 of the Policemen and Firemen’s Retirement and Disability Act, approved August 21, 1957 (Public Law 85–157; 71 Stat. 399; D.C. Official Code § 5–732) is amended by striking the phrase “of this chapter, to the extent that such benefit payments exceed the deductions from the salaries of federal employees for credit to the revenues of the District of Columbia.” and inserting the phrase “of this chapter and to reimburse the District of Columbia for the administrative costs associated with making such benefit payments for credit to the revenues of the District of Columbia: Provided, That benefit payment reimbursement shall only be to the extent that such benefit payments exceed the deductions from the salaries of federal employees.” in its place.

SEC. 336. Notwithstanding any other provision of this Act, there is hereby appropriated for the Office of the Inspector General such amounts in local funds, as are consistent with the annual estimates for the expenditures and appropriations necessary for the operation of the Office of the Inspector General as prepared by the Inspector General and submitted to the Mayor and forwarded to the Council pursuant to D.C. Official Code 2–302.08(a)(2)(A) for fiscal year 2005: Provided, That the Office of the Chief Financial Officer shall take such steps as are necessary to implement the provisions of this subsection.

SEC. 337. The authority which the Chief Financial Officer of the District of Columbia exercised with respect to personnel, procurement, and the preparation of fiscal impact statements during a control period (as defined in Public Law 104–8) shall remain in effect through September 30, 2005.

SEC. 338. The paragraph under the heading “Federal Payment for Incentives for Adoption of Children” in Public Law 106–113, approved November 29, 1999 (113 Stat. 1501), is amended to add the following proviso: “: Provided further, That the funds provided under this heading for the establishment of a scholarship fund for District of Columbia children of adoptive families, and District of Columbia children without parents due to the September 11, 2001 terrorist attack to be used for post high school education and training, once obligated by the District to establish the scholarship fund, shall remain obligated and be retained by the District for 25 years from the date of obligation to allow for any individual who is within the class of persons to be assisted by this provision to reach post high school and to present expenditures to be extinguished by the fund”.

SEC. 339. AUTHORITY OF OPSCFS. (a) Section 161(3)(E)(i) of Public Law 106–522 shall be amended to include a new section known as (E)(i)(IV) to establish regulations for administering lease guarantees through the credit enhancement fund to public charter schools in the District of Columbia.

(b) The first sentence of section 143 of the District of Columbia Appropriations Act of 2003 (Public Law 108–7, 117 STAT. 130) approved April 20, 2003 is amended by striking the phrase, “under the authority of the Department of



Banking and Financial Institutions" and inserting "under the authority of the Mayor" in its place.

SEC. 340. PROCESS FOR FILING CHARTER PETITIONS. D.C. Code §38-1802.01 is amended by adding a new section (e) as follows—

"(e) A petition to establish a public charter school in the District of Columbia, or to convert a District of Columbia public school or an existing private or independent school, is a public document."

SEC. 341. AMENDMENTS TO CHARTER SCHOOL LAW. (a) PROCESS FOR FILING CHARTER PETITIONS.—Section 2201 of the District of Columbia School Reform Act of 1995 (D.C. Code 38-1802.01) is amended—

(1) in subsection (a)(3)(B), by striking "two-thirds" and inserting "51 percent"; and

(2) in subsection (b)(3)(B), by striking "two-thirds" and inserting "51 percent".

(b) EMPLOYEES.—Section 2207 of the District of Columbia School Reform Act of 1995 (D.C. Code 38-1802.07) is amended by adding at the end the following:

"(d) TEACHERS REMAINING AT CONVERTED PUBLIC CHARTER SCHOOLS.—A teacher employed at a District of Columbia public school that converts to a public charter school under section 2201 shall have the option of remaining at the charter school during the school's first year of operation after receiving an extended leave of absence under subsection (a)(1). After this 1-year period, the teacher may continue to be employed at the public charter school, at the sole discretion of the public charter school, or shall maintain current status within the District of Columbia public school system."

(c) PUBLIC SCHOOL SERVICES TO PUBLIC CHARTER SCHOOLS.—Section 2209(b) of the District of Columbia School Reform Act of 1995 (D.C. Code 38-1802.09(b)) is amended—

(1) in paragraph (1)—

(A) by amending subparagraph (A) to read as follows:

"(A) IN GENERAL.—Notwithstanding any other provision of law, regulation, or order relating to the disposition of a facility or property described in subparagraph (B), or to the disposition of any property of the District of Columbia, the Mayor and the District of Columbia government shall give a right of first offer, which right shall be annually reinstated with respect to any facility or property not previously disposed of, or under contract to be disposed of, to an eligible applicant whose petition to establish a public charter school has been conditionally approved under section 2203(d)(2), or a Board of Trustees, with respect to the purchase, lease, transfer, or use of a facility or property described in subparagraph (B).";

(B) by amending subparagraph (B)(iii) to read as follows:

"(iii) With respect to which—

"(I) the Board of Education has transferred jurisdiction to the Mayor and over which the Mayor has jurisdiction on the effective date of this subclause; or

"(II) over which the Mayor or any successor agency gains jurisdiction after the effective date of this subclause."; and

(C) by adding at the end the following:

"(C) TERMS OF PURCHASE OR LEASE.—The terms of purchase or lease of a facility or property described in subparagraph (B) shall—

"(i) be negotiated by the Mayor;

"(ii) include rent or an acquisition price, as applicable, that is at least 25 percent less than the appraised value of the property (based on use of the property for school purposes); and

"(iii) include a lease period, if the property is to be leased, of not less than 25 years, and renewable for additional 25-year periods as long as the eligible applicant or Board of Trustees maintains its charter."; and

(2) in paragraph (2)(A), by striking "preference" and inserting "a right to first offer"; and

(3) by adding at the end the following:

"(3) CONVERSION PUBLIC CHARTER SCHOOLS.—Any District of Columbia public school that was approved to become a conversion public charter school under section 2201 before the effective date of this subsection or is approved to become a conversion public charter school after the effective date of this subsection, shall have the right to exclusively occupy the facilities the school occupied as a District of Columbia public school under a lease for a period of not less than 25 years, renewable for additional 25-year periods as long as the school maintains its charter at the non-profit rate, or if there is no non-profit rate, at 25 percent less than the fair market rate for school use."

SEC. 342. ANNUAL REPORT TO CONGRESS. Section 2211 of the School Reform Act of 1995 (D.C. Code 38-1802.11) shall be amended by:

(1) adding the following new subparagraph at the end of section 2211(a)(1):

"(D) Shall ensure that each public charter school complies with the annual reporting requirement of subsection 38-1802.04(b)(11) of this Act, including submission of the audited financial statement required by sub-subsection (B)(ix) of that section."; and

(2) adding the following before the period at the end of subparagraph (d): "(10) details of major Board actions; (11) major findings from school reviews of academic, financial, and compliance with health and safety standards and resulting Board action or recommendations; (12) details of the fifth year review process and outcomes; (13) summary of annual financial audits of all charter schools, including (a) the number of schools that failed to timely submit the audited financial statement required by that section; (b) the number of schools whose audits revealed a failure to follow required accounting practices or other material deficiencies; and (c) the steps taken by the authority to ensure that deficiencies found by the audits are rectified; (14) number of schools which have required intervention by authorizing board to address any academic or operational issue; (15) what recommendations an authorizing board has made to correct identified deficiencies".

SEC. 343. LEASE TO DISTRICT OF COLUMBIA. (a) LEASE.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, subject to subsection (b), the Secretary of the Interior (referred to in this section as the "Secretary") shall lease to the government of the District of Columbia, without consideration, the property described in paragraph (2).

(2) PROPERTY.—The property referred to in paragraph (1) is—

(A) the National Park Service land in Anacostia Park, the boundaries of which are the Anacostia River to the west, Watts Branch to the south, Kenilworth Aquatic Gardens to the north, and Anacostia Avenue to the east (US Reservations 325 and 343, Section G); and

(B) the community center under the jurisdiction of the District of Columbia known as the "Kenilworth Parkside Community Center".

(b) CONDITIONS OF LEASE.—

(1) TERM.—The lease under subsection (a)(1) shall be for a period of 50 years.

(2) TRANSFER OF TITLE.—The lease under subsection (a)(1) shall be subject to such terms and conditions, to be included in the lease, as are necessary to ensure that the property leased under that subsection—

(A) may be subleased by the District of Columbia to any public entity or private not-for-profit corporation under a public process; and

(B) is used only for the provision of public recreational facilities, open space, or public outdoor recreational opportunities.

(C) Nothing in the Act precludes the District of Columbia from entering into a sublease for all or part of the property with a public not-for-profit entity for the management or maintenance of the property.

(3) TERMINATION.—

(A) IN GENERAL.—The lease under subsection (a)(1) shall terminate if—

(i) any term or condition of the lease described in paragraph (2) is violated, as determined by the Secretary; and

(ii) the violation is not corrected by the date that is 90 days after the date on which the Mayor of the District of Columbia receives from the Secretary a written notice of the violation.

(B) DETERMINATION OF CORRECTION.—A violation of a term or condition of the lease under subsection (a)(1) shall be determined to have been corrected under subparagraph (A)(ii) if, after notification of the violation, the District of Columbia and the Secretary enter into an agreement that the Secretary considers to be adequate to ensure that the property leased will be used in a manner consistent with paragraph (2).

(4) PROHIBITION OF CIVIL ACTIONS.—No person may bring a civil action relating to a violation any term or condition of the lease described in paragraph (2) before the date that is 90 days after the person notifies the Mayor of the District of Columbia of the alleged violation (including the intent of the person to bring a civil action for termination of the lease under paragraph (3)).

(5) REMOVAL OF STRUCTURES; REHABILITATION.—The lease under subsection (a)(1) shall be subject to the condition that, in the event of a termination of the lease under paragraph (3), the District of Columbia shall bear the cost of removing structures on, or rehabilitating, the property leased.

(6) ADMINISTRATION OF PROPERTY.—If the lease under subsection (a)(1) is terminated under paragraph (3), the property covered by the lease shall be administered by the Secretary as a unit of the National Park System in the District of Columbia in accordance with—

(A) the Act of August 25, 1916 (commonly known as the "National Park Service Organic Act") (16 U.S.C. 1 et seq.); and

(B) other laws (including regulations) generally applicable to units of the National Park System.

SEC. 344. BIENNIAL EVALUATION OF CHARTER SCHOOL AUTHORIZING BOARDS. (a) Biennial management evaluation of the District of Columbia Chartering Authorities for the District of Columbia Public Charter Schools shall be conducted by the Comptroller General of the United States.

(b) Evaluation shall include the following:

(1) Establish standards to assess each authorizer's procedures and oversight quality;

(2) Identify gaps in oversight and recommendations;

(3) Review processes of charter school applications;

(4) Extent of ongoing monitoring, technical assistance, and sanctions provided to schools;

(5) Compliance with annual reporting requirements;

(6) Actual budget expenditures for the preceding two fiscal years;

(7) Comparison of budget expenditures with mandated responsibilities;

(8) Alignment with best practices; and

(9) Quality and timeliness of meeting Section 2211(d) of the School Reform Act of 1995 (D.C. Code 38-1802.11(d)), as amended.

(c) INITIAL INTERIM REPORT TO CONGRESS.—The Government Accountability Office shall submit to the Committees on Appropriations of the House of Representatives and Senate, no later than May 1, 2005, a baseline report on the performance of each authorizer in meeting the requirements of the School Reform Act of 1995.

(d) Hereafter Section 2214(f) of Public Law 104-143 (D.C. Code 38-1802.14(f)), shall apply to the District of Columbia Board of Education Charter Schools Office.

SEC. 345. CLARIFYING OPERATIONS OF PUBLIC CHARTER SCHOOL BOARD. Section 2214 of the School Reform Act of 1995 (Public Law 104-134; D.C. Code 38-1802.14), is amended—

(1) by striking subsection (f) and inserting the following:

“(f) *AUDIT.*—The Board shall maintain its accounts according to Generally Accepted Accounting Principles for Not-for-Profit Organizations. The Board shall provide for an audit of the financial statements of the Board by an independent certified public accountant in accordance with Government auditing standards for financial audits issued by the Comptroller General of the United States. The findings and recommendations of any such audit shall be forwarded to the Mayor, the District of Columbia Council, the appropriate congressional committees, and the Office of the Chief Financial Officer.”; and

(2) adding at the end the following:

“(h) *CONTRACTING AND PROCUREMENT.*—The Board shall have the authority to solicit, award, and execute contracts independently of the Office of Contracting and Procurement and the Chief Procurement Officer. Nothing in chapter 3 of title 2 of the District of Columbia Code shall affect the authority of the Board under this subsection.”.

This Act may be cited as the “District of Columbia Appropriations Act, 2005”.

S. 2781

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Comprehensive Peace in Sudan Act of 2004”.

#### SEC. 2. DEFINITIONS.

In this Act:

(1) *APPROPRIATE CONGRESSIONAL COMMITTEES.*—The term “appropriate congressional committees” means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives.

(2) *JEM.*—The term “JEM” means the Justice and Equality Movement.

(3) *SLA.*—The term “SLA” means the Sudanese Liberation Army.

(4) *SPLM.*—The term “SPLM” means the Sudan People’s Liberation Movement.

#### SEC. 3. FINDINGS.

Congress makes the following findings:

(1) A comprehensive peace agreement for Sudan, as envisioned in the Sudan Peace Act (50 U.S.C. 1701 note), and in the Machakos Protocol of 2002, is in jeopardy.

(2) Since 1989, the Government of Sudan has repeatedly engaged in and sponsored orchestrated campaigns of attacking and dislocating targeted civilian populations, disrupting their ability to sustain themselves, and subsequently restricting assistance to those displaced in a coordinated policy of ethnic cleansing that is most recently evident in the Darfur region of Sudan.

(3) In response to 2 decades of civil conflict in Sudan, the United States has helped to establish an internationally supported peace process to promote a negotiated settlement to the war that has resulted in a framework peace agreement, the Nairobi Declaration on the Final Phase of Peace in the Sudan signed June 5, 2004.

(4) At the same time that the Government of Sudan was negotiating for a final countrywide peace, enumerated in the Nairobi Declaration on the Final Phase of Peace in the Sudan, it refused to engage in any meaningful discussion with regard to its ongoing campaign of ethnic cleansing in the region of Darfur.

(5) It was not until the international community expressed its outrage, through high level visits by Secretary of State Colin Powell and others, and through United Nations Security Council Resolution 1556 of July 30, 2004, that the Government of Sudan agreed to attend talks to bring peace to the Darfur region.

(6) The Government of the United States, in both the executive branch and Congress, have concluded that genocide has been committed and may still be occurring in Darfur, and that the Government of Sudan and the

Janjaweed bear responsibility for the genocide.

(7) The United Nations High Commissioner for Human Rights has identified massive human rights violations in Darfur perpetrated by the Government of Sudan and the Janjaweed, which the Commissioner stated may constitute war crimes or crimes against humanity.

(8) Evidence collected by international observers in the Darfur region between February 2003 and September 2004 indicate a coordinated effort to target African Sudanese civilians in a scorched earth policy, from both air and ground, that has destroyed African Sudanese villages, killing and driving away its people, while Arab Sudanese villages have been left unscathed.

(9) As a result of this coordinated campaign, which Congress and the executive branch have declared to be genocide, reports indicate tens of thousands of African Sudanese civilians killed, the systematic rape of thousands of women and girls, the destruction of hundreds of Fur, Masalit, and Zaghawa villages and other ethnically African populations, including the poisoning of their wells and the plunder of crops and cattle upon which they sustain themselves.

(10) According to the United Nations High Commissioner for Refugees, 1,400,000 people have been displaced in the Darfur region of Sudan, of whom over 200,000 have been forced to flee to Chad as refugees.

(11) The Government of Sudan conducted aerial attack missions and deadly raids across the international border between Sudan and Chad in an illegal effort to pursue Sudanese civilians seeking refuge in Chad.

(12) In addition to the thousands of violent deaths directly caused by ongoing Sudanese military and government sponsored Janjaweed attacks in the Darfur region, the Government of Sudan has restricted humanitarian and human rights workers’ access to the Darfur area, primarily through bureaucratic and administrative obstruction, in an attempt to inflict the most devastating harm on those displaced from their villages and homes without any means of sustenance or shelter.

(13) The Government of Sudan’s continued support for the Janjaweed and their obstruction of the delivery of food, shelter, and medical care to the Darfur region is estimated by the World Health Organization to be resulting in up to 10,000 deaths per month and, should current conditions persist, is projected to escalate to thousands of deaths each day by December 2004.

(14) The Government of Chad served an important role in facilitating the Darfur humanitarian cease-fire (the N’Djamena Agreement dated April 8, 2004) for the Darfur region between the Government of Sudan and the 2 opposition rebel groups in Darfur (the JEM and the SLA) although both sides have violated it repeatedly.

(15) The people of Chad have responded courageously to the plight of over 200,000 Darfur refugees by providing assistance to them even though such assistance has adversely affected their own means of livelihood.

(16) The cooperation and inclusion of all Sudanese is essential to the establishment of peace and security throughout all of Sudan.

(17) The African Union has demonstrated renewed vigor in regional affairs through its willingness to respond to the crisis in Darfur, by convening talks between the parties and deploying several hundred monitors and security forces to the region, as well as by recognizing the need for a far larger force with a broader mandate.

(18) Despite the threat of international action expressed through United Nations Security Council Resolution 1556 of July 30, 2004,

the Government of Sudan continues to obstruct and prevent efforts to reverse the catastrophic consequences that loom over Darfur.

#### SEC. 4. SENSE OF CONGRESS REGARDING THE CONFLICT IN DARFUR, SUDAN.

(a) *SUDAN PEACE ACT.*—It is the sense of Congress that the Sudan Peace Act (50 U.S.C. 1701 note) remains relevant and should be extended to include the Darfur region of Sudan.

(b) *ACTIONS TO ADDRESS THE CONFLICT.*—It is the sense of Congress that—

(1) a legitimate countrywide peace in Sudan will only be possible if the Agreed Principles of Part A of the Machakos Protocol of 2002, confirmed by the Nairobi Declaration on the Final Phase of Peace in the Sudan signed June 5, 2004, negotiated with the SPLM, apply to all of Sudan and to all of the people of Sudan, including the Darfur region;

(2) the parties to the N’Djamena Agreement (the Government of Sudan, the SLA, and the JEM) must meet their obligations under that Agreement to allow safe and immediate access of all humanitarian assistance throughout the Darfur region and must expedite the conclusion of a political agreement to end the genocide and conflict in Darfur;

(3) the United States should continue to provide humanitarian assistance to the areas of Sudan to which the United States has access and, at the same time, develop a plan similar to that described in section 10 of the Sudan Peace Act to provide assistance to the areas of Sudan to which United States access has been obstructed or denied;

(4) the international community, including African, Arab, and Muslim nations, should immediately provide resources necessary to save the lives of hundreds of thousands of individuals at risk as a result of the Darfur crisis;

(5) the United States Ambassador-at-Large for War Crimes should travel to Chad and the Darfur region immediately to investigate war crimes and crimes against humanity to develop a more accurate understanding of the situation on the ground and to better inform the report required in section 11(b) of the Sudan Peace Act;

(6) the United States and the international community should—

(A) provide all necessary assistance to deploy and sustain an African Union Force of at least 4,200 personnel to the Darfur region; and

(B) work to increase the authorized level and expand the mandate of such forces commensurate with the gravity and scope of the problem in a region the size of France;

(7) the President, acting through the Secretary of State and the Permanent Representative of the United States to the United Nations, should ensure that Sudan fulfills its obligations under United Nations Security Council Resolutions 1556 (July 30, 2004) and 1564 (September 18, 2004);

(8) sanctions should be imposed on the assets and activities of those Sudanese Government officials and other individuals that are involved in carrying out the atrocities in the Darfur region;

(9) the Government of the United States should not normalize relations with Sudan, including through the lifting of any sanctions, until the Government of Sudan agrees to, and takes demonstrable steps to implement, peace agreements for all areas of Sudan, including Darfur; and

(10) Presidential Proclamation 6958 issued November 22, 1996, which suspends entry into the United States of members of the Government of Sudan, officials of that Government, and members of the Sudanese Armed Forces,



should continue to remain in effect and be strictly enforced.

#### SEC. 5. AMENDMENTS TO THE SUDAN PEACE ACT.

(a) ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.—

(1) IN GENERAL.—The Sudan Peace Act (50 U.S.C. 1701 note) is amended by adding at the end the following new section:

#### “SEC. 12. ASSISTANCE FOR THE CRISIS IN DARFUR AND FOR COMPREHENSIVE PEACE IN SUDAN.

“(a) AUTHORIZATION OF APPROPRIATIONS.—

“(1) HUMANITARIAN ASSISTANCE.—There is authorized to be appropriated to the President for assistance to address the humanitarian and human rights crisis in the Darfur region and its impact on eastern Chad, pursuant to the authority in section 491 of the Foreign Assistance Act of 1961 (22 U.S.C. 2292), \$200,000,000 for fiscal year 2005, in addition to any other funds otherwise available for such purpose.

“(2) ADDITIONAL ASSISTANCE.—Subject to the requirements of this section, there is authorized to be appropriated to the President, for development and humanitarian assistance for Sudan upon the conclusion of a permanent, just, and equitable peace agreement between the Government of Sudan and the SPLM, \$100,000,000 for fiscal year 2005, in addition to any other funds otherwise available for such purpose.

“(3) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations under paragraph (1) or (2) are authorized to remain available until expended, notwithstanding any other provision of law other than the provisions of this section.

“(b) REQUIREMENT FOR CERTIFICATION.—The assistance authorized under subsection (a)(2) may be provided—

“(1) to the regions administered by the Government of Sudan, in accordance with the peace agreement described in subsection (a)(2), only if the President submits the certification described in subsection (c); and

“(2) to the regions administered by the SPLM, in accordance with the peace agreement described in subsection (a)(2), only if the President submits the certification described in subsection (d).

“(c) CERTIFICATION WITH REGARD TO ACTIONS OF THE GOVERNMENT OF SUDAN.—The certification referred to in subsection (b)(1) is a certification submitted by the President to the appropriate congressional committees that—

“(1) the Government of Sudan is taking demonstrable steps to—

“(A) ensure that the armed forces of Sudan and any associated militias are not attacking civilians or obstructing human rights monitors or the provision of humanitarian assistance;

“(B) demobilize and disarm militias supported or created by the Government of Sudan;

“(C) allow full and unfettered access for the provision of humanitarian assistance to all regions of Sudan, including Darfur; and

“(D) cooperate fully with the African Union, the United Nations, and all other observer, monitoring, and protection missions mandated to operate in Sudan; and

“(2) the Government of Sudan is complying with the provisions of the peace agreement described in subsection (a)(2).

“(d) CERTIFICATION WITH REGARD TO SPLM'S COMPLIANCE WITH A PEACE AGREEMENT.—The certification referred to in subsection (b)(2) is a certification submitted by the President to the appropriate congressional committees that the SPLM is complying with the provisions of the peace agreement described in subsection (a)(2).

“(e) SUSPENSION OF ASSISTANCE.—If, on a date after the President submits a certifi-

cation described in subsection (c) or (d), the President determines that either the Government of Sudan or the SPLM has ceased taking the actions described in the applicable subsection, the President shall immediately suspend the provision of any assistance made available as a result of such certification until the date on which the President certifies that such entity has resumed taking such actions.”.

(2) CONFORMING AMENDMENT.—Section 3 of the Sudan Peace Act (50 U.S.C. 1701 note) is amended by adding at the end the following new paragraph:

“(4) SPLM.—The term ‘SPLM’ means the Sudan People's Liberation Movement.”.

(b) REPORTING REQUIREMENT.—Section 8 of the Sudan Peace Act (50 U.S.C. 1701 note) is amended in the first sentence by striking “Sudan.” and inserting “Sudan, including the conflict in the Darfur region.”.

#### SEC. 6. OTHER RESTRICTIONS.

(a) BLOCKING OF ASSETS.—On the date that is 120 days after the date of enactment of this Act, if the President has not submitted the certification described in subsection (c)(1) of section 12 of the Sudan Peace Act, as added by section 5, the President shall, consistent with the authorities granted in the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), block the assets of appropriate senior officials of the Government of Sudan.

(b) CONTINUATION OF RESTRICTIONS.—Restrictions against the Government of Sudan that were imposed pursuant to title III and sections 508, 512, and 527 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2004 (Division D of Public Law 108-199; 118 Stat. 143) or any other similar provision of law may not be lifted pursuant to such provisions of law unless the President also makes the certification described in subsection (c) of section 12 of the Sudan Peace Act, as added by section 5.

#### SEC. 7. REQUIREMENT FOR REPORT.

(a) REQUIREMENT.—Not later than 60 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report on the planned United States response to a comprehensive peace agreement for Sudan.

(b) CONTENT.—The report required by subsection (a) shall include—

(1) a description of the United States response to a modified peace process between the Government of Sudan and the SPLM that would account for the implementation of a peace in all regions of Sudan, in particular Darfur; and

(2) a contingency plan for extraordinary humanitarian assistance should the Government of Sudan continue to obstruct or delay the international humanitarian response to the crisis in Darfur.

(c) FORM OF REPORT.—The report required by subsection (a) may be submitted in classified form.

#### SEC. 8. TECHNICAL CORRECTION.

Section 12 of the International Organizations Immunities Act (22 U.S.C. 288f-2) is amended by striking “Organization of African Unity” and inserting “African Union”.

S. CON. RES. 119

Whereas suicide is one of the most disruptive and tragic events a family and a community can experience, and it occurs at a national rate of 30,000 suicides annually;

Whereas suicide is the fastest growing cause of death among youths and the second leading cause of death among college students;

Whereas suicide kills youths 6 to 9 times more often than homicide;

Whereas research shows that 95 percent of all suicides are preventable;

Whereas research shows that the prevention of suicide must be recognized as a national priority;

Whereas community awareness and education will encourage the development of strategies to prevent suicide;

Whereas during the 105th Congress, both the Senate and the House of Representatives unanimously agreed to resolutions recognizing suicide as a national problem and declaring suicide prevention programs to be a national priority (Senate Resolution 84, 105th Congress, agreed to May 6, 1997, and House of Representatives Resolution 212, 105th Congress, agreed to October 9, 1998);

Whereas the yellow ribbon is rapidly becoming recognized internationally as the symbol for the awareness and prevention of suicide, and it is recognized and used by suicide prevention groups, crisis centers, schools, churches, youth centers, hospitals, counselors, teachers, parents, and especially youth themselves; and

Whereas the week beginning September 19, 2004, should be recognized as Yellow Ribbon Suicide Awareness and Prevention Week: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring), That Congress—*

(1) recognizes that the need to increase awareness about and prevent suicide is a compelling national priority;

(2) reaffirms the commitment of Congress to the priorities expressed by the 105th Congress, in Senate Resolution 84 and House Resolution 212, to continue to recognize suicide prevention as a national priority; and

(3) encourages Americans, communities, and the Nation to work to increase awareness about and prevent suicide.

#### MEASURES PLACED ON THE CALENDAR—S. 2844 and S. 2845

Mr. McCONNELL. Mr. President, I understand there are two bills at the desk which are due for a second reading.

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. McCONNELL. I ask unanimous consent that the bills be given a second reading en bloc.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will read the bills by title, en bloc.

The assistant legislative clerk read as follows:

A bill (S. 2844) to designate Poland as a program country under the visa waiver program established under section 217 of the Immigration and Nationality Act.

A bill (S. 2845) to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government, and for other purposes.

Mr. McCONNELL. I object to further proceedings on the measures, en bloc, at this time.

The ACTING PRESIDENT pro tempore. Objection having been heard, the bills will be placed on the calendar.

#### ORDERS FOR MONDAY, SEPTEMBER 27, 2004

Mr. McCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 1 p.m. on Monday, September 27. I further ask that following

the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved, and the Senate then begin a period of morning business until 2 p.m., with the time equally divided between the two leaders or their designees; provided that at 2 p.m. the Senate proceed to consideration of S. 2845, the Intelligence Reform bill, as provided under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

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PROGRAM

Mr. McCONNELL. Mr. President, for the information of all Senators, on Monday, following morning business, the Senate will begin consideration of

the Intelligence Reform bill. As I announced earlier, there will be no roll-call votes on Monday. However, I will alert all Senators that amendments will be offered and debated during Monday's session. The chairman and ranking member of the Governmental Affairs Committee will be here to begin working through amendments to the bill. Any votes ordered with respect to amendments will be set to occur on Tuesday morning. So I encourage Senators who wish to have their amendments considered on Monday to contact the bill managers.

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ORDER FOR RECORD TO REMAIN  
OPEN

Mr. McCONNELL. Mr. President, I ask unanimous consent that the

RECORD remain open for statements until 3 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

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ADJOURNMENT UNTIL 1 P.M.,  
MONDAY, SEPTEMBER 27, 2004

Mr. McCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in adjournment.

There being no objection, the Senate, at 12:41 p.m., adjourned until Monday, September 27, 2004 at 1 p.m.

## EXTENSIONS OF REMARKS

### HONORING THE KIMBERTON FIRE COMPANY ON THEIR 75TH ANNIVERSARY

#### HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2004

Mr. GERLACH. Mr. Speaker, I rise today to honor the Kimberton Fire Company of Kimberton, Pennsylvania on the occasion of their 75th Anniversary.

The Kimberton Fire Company began back in 1929 when a group of community leaders came together to discuss the need for a local fire company to protect the community and its vicinity from the inherent danger of fire. On February 5, 1929, the first officers were elected by the newly formed membership. At that time, they also voted to purchase one 1917 Brockway Combination Chemical and Hose Car for \$300. These steps led to the Kimberton Fire Company's official incorporation three months later in May of 1929.

In May 1936, right after the Company purchased their first new fire apparatus, the Hale Pumper, fire broke out in the Kimberton firehouse. While the firehouse was completely destroyed, firefighters were able to save the pumper and were able to utilize their new equipment to extinguish the fire.

Today, the Kimberton Fire Company has a fleet of twelve emergency vehicles. This fleet has the capability to meet the needs of the Kimberton community that is comprised of six municipalities and covers over 32 square miles. The area protected by the Kimberton Fire Company ranges from the farmland to small towns and suburban developments.

Not only does the Kimberton Fire Company provide outstanding rescue and fire services, they also provide exemplary community service. The members of the Kimberton Fire Company serve as members of the Tanker Task Force and the State Forest Fire Crew. The Kimberton Fire Company is also the area's Emergency Operations Center and an evacuation center. Meeting space is provided at the firehouse for the Boy Scouts and for other groups such as Exploring and Venture group. The firehouse also opens its doors and hosts fundraisers and other community events. The Kimberton Fire Company believes strongly in investing in the youth of the community because they believe that today's youth will provide for a more improved community in the future. The Kimberton Fire Company is well-known for its fire and rescue teams, and also for being actively responsive to the unique needs of the Kimberton community. Lifelong friendships and solid community partnerships have been made and the Kimberton Fire Company is prominent in establishing and maintaining these local bonds.

Mr. Speaker, I ask that my colleagues join me today is congratulating the Kimberton Fire Company for its dedication and service to the Kimberton area community. It is an honor to recognize the Kimberton Fire Company for its 75 years of tremendous service to the people.

### CONGRATULATING RECIPIENTS OF THE 2004 HENRY B. GONZALEZ AWARDS

#### HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2004

Mr. LAMPSON. Mr. Speaker, I rise today to honor Hispanic citizens from the 9th District of Texas being honored September 25, 2004 for their work in the community. While the dedication of Hispanic leaders is well-known throughout the United States, local citizens, right here in the Southeast Gulf Coast region, are just as important to ensuring equal rights and economic progress for all Texans.

Each year, I ask members of the communities in the 9th District to nominate individuals for the Henry B. Gonzalez Latino Leadership Award. This award, named in honor of the late Congressman Henry B. Gonzalez, gives special recognition to those who have worked selflessly, often without recognition, and made contributions both in the Hispanic community and the broader community as well. Recipients were chosen because their spirit of giving and sharing spirit makes a substantial contribution to our community and inspires others to do the same.

While their efforts may not make the headlines every day, the recipients' service and dedication to our country is nevertheless vital to our entire region. Southeast Texas is not successful in spite of our diversity, but rather successful because of it.

Please join me in recognizing and congratulating these leaders for their work an commitment to their communities and to southeast Texas. It is leaders like these men and women that continue to be a source of pride for Texas. The winners of this years Henry B. Gonzalez Latino Leadership Award are: Mrs. Sabrina Vrooman, Mr. Joe Hernandez, Mr. Albert Seguin, Mr. Manuel Escontrias, Mr. Hipolito Acosta, Mr. Carlos Lopez, and Mrs. Maria Barrios de Estrello.

Mr. Speaker, the recipients of the Henry B. Gonzalez Award are dedicated and hard-working individuals who have done so much for their neighbors and for this Nation as a whole. Today, I stand to recognize their spirit and to say that I am honored to be their Representative.

### HONORING JOHN W. ROWE

#### HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2004

Mr. EMANUEL. Mr. Speaker, I would like to extend my warmest congratulations to John W. Rowe of Chicago on being honored by the American Jewish Committee for his continued civic leadership in our city.

For almost 100 years the American Jewish Committee has maintained its mission of pro-

moting a world in which all are accorded the same civic treatment, promoting minority protection in democratic societies, and fighting against anti-Semitism.

Chairman and CEO of the Exelon Corporation, John W. Rowe is a person of great leadership who shares this same mission. By establishing the Exelon Corporation as one of Chicago's premier philanthropic and civically mindful corporations, he has consistently displayed excellent leadership and humanitarianism.

Mr. Rowe is chairman and CEO of the Exelon Corporation which was formed October 2000 by way of a corporate merging of the Unicorn Corporation and PECO Energy. Exelon, with some 5 million customers and annual revenues more than \$15 billion, is one of the Nation's largest electric utilities.

Mr. Rowe also has a history of exemplifying great leadership through his previous work as chairman president, and CEO of the Unicom Corporation and Commonwealth Edison, as well as president and CEO of NEES, and president and CEO of Central Maine Power Company.

The past recognition Mr. Rowe has received is a testimony to his continued commitment to human rights. In 2002, Mr. Rowe was honored as the Citizen of the Year by the City Club of Chicago for his active responses to important environmental issues. In 2003, Mr. Rowe was awarded El Valor Corporation's Corporate Visionary Award, which honors corporate leaders for their vision and resolution for providing opportunities to all people. In May 2002, he was honored with the Corporate Leadership Award from the Spanish Coalition for Jobs for his outstanding civic commitment and contributions to the Latino community. In 2000, he was also the recipient of the Anti-Defamation League's "A World of Difference" award for his commitment to the promotion of civil rights through fighting discrimination, prejudice, and bigotry.

Mr. Speaker, I would like to commend John W. Rowe for his great leadership in our community and congratulate him on his well deserved Civic Leadership Award.

### HONORING BARBARA VOLPE

#### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2004

Mr. UDALL of Colorado. Mr. Speaker, I rise today to acknowledge the distinguished service of Ms. Barbara Volpe, President of the Public Education & Business Coalition (PEBC) in Denver, Colorado.

Ms. Volpe has been working with the PEBC for 15 years. Under her leadership the organization has tripled its size and developed an outstanding national reputation. With Ms. Volpe's steady guidance the PEBC has successfully completed a merger between two

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

non-profits, assembled a high-caliber, professional staff, and created extraordinary initiatives such as the Boettcher Teachers Program.

Sadly, Ms. Volpe has decided that the time has come for her to leave the PEBC. Her dedication and commitment to her community serve as an inspiration to others in the field.

I ask my colleagues today to join me in thanking Ms. Barbara Volpe for her outstanding leadership and service. She certainly deserves our utmost appreciation. Her presence at PEBC will surely be missed.

TRIBUTE TO PRIVATE FIRST  
CLASS RYAN MARTIN

**HON. RALPH REGULA**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. REGULA. Mr. Speaker, I rise to pay tribute to a committed soldier and citizen from the 16th District of Ohio who died protecting our Nation. Private First Class Ryan Martin died when a bomb exploded while he was on a mine clearing mission with the 216th Engineering Battalion of the Ohio National Guard.

A graduate of Mount Vernon High School and of the carpentry program at the Knox County Career Center in Mount Vernon, Ohio, Pfc. Martin enjoyed fishing and working on cars and had a tremendous sense of humor. After his tour, he planned to either operate heavy equipment or help his father on the family farm.

Pfc. Ryan acted as vital part of his unit in Iraq, often volunteering for dangerous missions. His bravery and service were an inspiration to his fellow soldiers and to us all. Ryan embodied all that is great about our Nation. Without young men and women like him, our Nation would fall.

I send my most heartfelt prayers and sympathies to his family and friends. I pray for the homecoming of all of our service men and women and remember them as they continue to defend our freedom at home and abroad.

IN HONOR OF PVT RYAN MICHAEL  
MCCAULEY

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. BURGESS. Mr. Speaker, I rise today to pay tribute to Pvt Ryan Michael McCauley, who was killed while defending our Nation on September 5, 2004 in Sadr City, Iraq.

For the past year, Private McCauley has rendered faithful, conscientious, and valuable services to the U.S. Army and to the United States of America. Private McCauley will be remembered for his commendable service and dedication to this great Nation.

Private McCauley was a native of Lewisville, TX and a recent graduate of Lewisville High School. At Lewisville High the future soldier was an amiable and trustworthy student, who left behind many close friends. On September 11, family, friends, students, and school administration attended a ceremony at the school in tribute to their former classmate and fallen soldier.

Private McCauley joined the Army after graduating in 2002 where he faithfully served our Nation in the 2nd Battalion, 5th Cavalry regiment, 1st Cavalry Division.

Our thoughts and prayers go out to the family and friends of this young American hero.

HONORING HABITAT FOR HUMANITY  
OF CHESTER COUNTY, PENNSYLVANIA

**HON. JIM GERLACH**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. GERLACH. Mr. Speaker, I rise today to recognize Habitat for Humanity of Chester County, Pennsylvania's 15th Anniversary. For fifteen years, they have provided basic, well-built, affordable housing for low-income families and for those in need. Habitat for Humanity has made countless contributions to our community and, for that, they should be commended.

Habitat for Humanity is an organization that not only builds homes, but it also builds hope for those less fortunate. In turn, it gives those people in need a sense of dignity and of independence. This program is known for developing partnerships within the community and for its involvement in the promotion of Christian values. This great organization is led and sustained by volunteers of all faiths and it prides itself on serving all low-income families regardless of race, religion, culture, or gender.

Habitat for Humanity of Chester County began operations in 1986 as a part of the Greater Philadelphia Habitat for Humanity. Shortly afterwards in 1988, Chester County became a separate affiliate after completing its first home. Today, Habitat for Humanity of Chester County is one of six affiliates in the Delaware Valley and one of 1,600 United States affiliates of Habitat for Humanity International.

Since 1988, Habitat for Humanity Chester County has built 58 homes and refurbished an additional seven properties in the area. In 2003, the organization began construction on eleven new homes in Chester County. Eight of these homes will be located in the city of Coatesville and three in the borough of Phoenixville, Pennsylvania.

Volunteers from the community are a vitally important part of Habitat for Humanity. In 2000 alone, community volunteers in Chester County, Pennsylvania contributed more than 25,000 hours of work on the homes for those less fortunate. Habitat for Humanity brings volunteers and future homeowners in the community together in a positive and productive fashion, putting a face and a name on the issue of affordable housing.

Mr. Speaker, I ask that my colleagues join me today in recognizing the outstanding contributions that Habitat for Humanity has made not only in Chester County, Pennsylvania, but for their service to the needy throughout the world.

TRIBUTE TO MARTHA PENNINO

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. MORAN of Virginia. Mr. Speaker, on September 17, Fairfax County, Virginia lost one of its most important and influential citizens when Martha Pennino, known as "Mother Fairfax", passed away. Through her leadership, Mrs. Pennino helped oversee the development of Fairfax County into one of the most successful jurisdictions in the Nation.

From 1968 to 1991 Martha Pennino served on the Fairfax County Board of Supervisors, including 17 years as the Vice Chairman. As the representative of the Centreville District, Mrs. Pennino worked tirelessly for her constituents. During her tenure she was involved in most of the major decisions affecting the County, and was instrumental in seeing Reston develop into a successful planned community. Her work also saw the development of projects including the Dulles Toll Road, South Lakes High School, and the Reston Regional Library. She helped create a sense of community for all those living in her district.

Martha Pennino will best be remembered by the citizens of Fairfax County for her commitment to the poor and homeless in her community. She opened her office at night for people without a home and provided them a bed and a warm place to rest. She created a homeless shelter in her district and ensured that with the enormous development occurring in Fairfax County there would be low-cost housing options for those who needed it. Martha Pennino also helped establish the Fairfax County Human Rights Commission to help fight discrimination throughout the County. While Fairfax County grew, she wanted to ensure that every person could be a part of this vibrant community.

In honor of her work to help all the residents of Fairfax County and for being an instrumental part in the growth of the County, I ask that the Reston Post Office be named after Martha Pennino. It is imperative that we honor and remember this remarkable woman.

HONORING CONTINENTAL NATIONAL BANK FOR 30 YEARS OF  
FINANCIAL SERVICE TO THE  
SOUTH FLORIDA COMMUNITY

**HON. LINCOLN DIAZ-BALART**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I rise to congratulate Continental National Bank of Miami on their 30th anniversary of operations. Continental National Bank is an established and trusted institution that serves the financial needs of my community.

Continental National Bank was established in 1974 and was the first Cuban-American owned national bank chartered in the United States. It is a full service community bank with six branches in Miami, Hialeah and Sweetwater. The bank offers a variety of personal and commercial services, including residential mortgage lending, small builder construction financing, and online banking services.

For 30 years, Continental National Bank has been at the heart of the economic development of South Florida. With quality banking services, a skilled staff and extensive community involvement, Continental National Bank has developed a reputation for caring about its customers while extending knowledgeable and professional banking services.

Again, Mr. Speaker, I warmly congratulate Continental National Bank on this important milestone and thank all of the fine men and women who are part of Continental National for their commitment and faithful service in supporting the needs and priorities of the entire South Florida community.

#### HONORING RON MCNEALL

#### HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2004

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize Ron McNeall. On October 1, Ron is retiring from the Board of Directors of the Missouri Corn Growers Association and Missouri Corn Merchandising Council after 11 years of service.

Ron McNeall was born in Boonville, Cooper County, Missouri on November 30, 1948. He has been married to his wife Carolyn for 33 years, and they have three wonderful children in Travis, Kelly, and Ashley.

In addition to his 11 years of service as a Director on the MCGA/MCMC Board, Ron is also a past MCMC Chairman and MCGA President. At the national level, he has served as a delegate to the National Corn Growers Association and he has served as a National Corn Growers Association Production and Stewardship Action Team Member. He has also been an active member of the United States Grains Council. Ron was a seed salesman for Pioneer Seed for at least 18 years, and served on Pioneer Seed's Advisory Council from 1991–1993.

As a dedicated advocate for agriculture, Ron has been the recipient of numerous awards. In 2000 he received an Honorary State FFA Degree, and in 2003 he was named the Outstanding MCGA Member. While many of us associate Ron's service with the agricultural sector, his dedication extends far beyond it, as he served with distinction on the Keytesville School Board for 12 years.

Mr. Speaker, I proudly ask you to join me in commending Ron McNeall, a remarkable citizen who exemplifies the qualities of dedication and service.

#### HONORING HARRIS COUNTY COMMISSIONER SYLVIA R. GARCIA

#### HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2004

Mr. LAMPSON. Mr. Speaker, I rise today to honor Harris County Commissioner Sylvia R. Garcia. Aside from her hard work and diligence as an distinguished public servant, she has been an inspiration and a strong leader for the Hispanic communities of Southeast Texas. Prior to her election in 2003, Commis-

sioner Garcia served as Controller for the City of Houston and before that served as the appointed Director and Presiding Judge of the Houston Municipal Court System.

She is not only a great Houstonian, but a proven leader and driving force in her community. As an active leader in the Houston community, the Commissioner has served on more than 25 community boards and commissions, including the San Jacinto Girl Scouts, the Houston Hispanic Forum, the American Leadership Forum, the Texas Southern University Foundation and the Institute of Hispanic Culture. She has selflessly given of herself in order to promote strength and leadership in her community.

Despite the demanding duties of being Harris County Commissioner, she has given of her time to be chairperson or honorary chairperson of many charity functions. Such functions include the kick-off for "America Walks for Strong Women", benefiting the National Osteoporosis Foundation and the "International Paella Festival and Polo Espanol" benefiting Casa de Esperanza and The Mercy Foundation.

Her honors by the media and other organizations speak volumes about her service. She was named "Humanitarian of the Year" by the National Conference of Communities and Justice and has also been honored with the Texas Woman's University Board of Regents Woman of Distinction Award, the Hispanic Scouting Distinguished Citizen Award from the Sam Houston Area Boy Scouts of America, and the Board Award from the San Jacinto Girl Scouts.

Commissioner Garcia's accomplishments should be an inspiration to us all. She has done a fine job as Harris County Commissioner and is an invaluable resource for the Hispanic communities of Texas. She is someone who continues to inspire, and I am proud to recognize her on the floor of the House today.

#### HONORING THE RUTH PAGE FOUNDATION

#### HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2004

Mr. EMANUEL. Mr. Speaker, I rise to congratulate the Ruth Page Foundation of dance and performing arts on more than 30 years of innovative dance and artistic excellence.

The Ruth Page Foundation was established in 1970 in order to uphold and promote the highest quality of performing arts as produced by choreographer and dance icon Ruth Page and continues to be at the forefront of innovative dance theater in Chicago.

A native Chicagoan, Ms. Page gained national recognition through her unprecedented incorporation of the era's social and political issues into her artistic performances. In addition, Ms. Page attained international prominence by becoming the first American to dance with Diaghilev's Ballet Russe. In later years, Ms. Page would go on to choreograph, commission, and dance in a string of hits such as Polka Melancholique and Hear Ye! Hear Ye!

During the Great Depression of the 1930's, Ms. Page teamed up with Bentley Stone to di-

rect the federally funded Chicago Works Progress Administration (WPA) Dance Project. The duo had significant success with their groundbreaking feminist ballet American Patterns, and later became the first American ballet company to tour South America.

However, Ms. Page is probably best remembered for her assiduous efforts in creating and operating numerous dance companies throughout the Chicagoland area. From her first association with the Ravinia Opera in 1926, to her production of the The Nutcracker at McCormick Place's Arie Crown Theater in the mid 1980's, Ms. Page contributed to the city's cultural scene by taking on the roles of prima ballerina, choreographer, director, financial backer, and visionary. Ms. Page, who passed away in 1991, is still considered the grand lady of Chicago dance.

Mr. Speaker, I join with the people of Chicago in congratulating the brilliant Ruth Page Foundation, a company that continues to uphold the quality and discipline that was embodied by its namesake. I am proud of their numerous achievements both on and off the stage and wish them continued growth and success into the future.

#### HONORING PAUL TUDOR JONES II

#### HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2004

Mr. UDALL of Colorado. Mr. Speaker, I rise today to recognize Mr. Paul Tudor Jones II for his passionate dedication to conservation techniques and land stewardship practices of his Blue Valley Ranch located in Grand County, CO.

Mr. Jones was the 2004 recipient of the Middle Park Land Trust Land Steward of the Year Award. This annual award is given to the Grand County, CO landowner who most exemplifies the mission of the Middle Park Land Trust in land management and conservation practices who help preserve Grand County's scenery, agriculture, water, wildlife and biodiversity for today and future generations.

Mr. Jones first purchased a portion of the Blue Valley Ranch in 1994, he re-acquired the water rights and began a holistic approach to ranch management which includes wildlife conservation, agricultural production, stream enhancement, recreational activities and in essence, the preservation of our local heritage. The Blue Valley Ranch now encompasses 25,000 acres and is thriving.

The primary focus of the Blue Valley Ranch is wildlife conservation. The ranch has worked in partnership with the Colorado Division of Wildlife on many projects including the reintroduction of antelope south of the Colorado River, sage grouse monitoring and habitat restoration, and wild turkey transplants on both public and private land.

Habitat improvements for both wildlife and livestock have been prescribed burns, forest treatments, crops, and a rotational grazing system.

Many miles of the Blue River and adjoining tributaries that were vulnerable to low flows, high temperatures, and predators have been restored to a more natural condition.

It is a credit to Mr. Jones that agricultural production continues on the Blue Valley

Ranch. Each year, the Ranch puts up hay and runs cattle as well as buffalo.

On behalf of the residents of Grand County CO, I ask my colleagues to join me in honoring Paul Tudor Jones II for his dedication and commitment to land management and conservation practices and for being selected as the 2004 Middle Park Land Trust Land Steward of the Year Award.

TRIBUTE TO PRIVATE FIRST  
CLASS DEVIN GRELLA

**HON. RALPH REGULA**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. REGULA. Mr. Speaker, I rise to acknowledge Devin Grella, a constituent from the 16th District of Ohio, who sacrificed his life fighting for our country. Private First Class Devin Grella of the 706th Transportation Company of the Army Reserve died when incendiaries exploded near his convoy.

A graduate of Medina High School, Pfc Grella was an Eagle Scout in Boy Scout Troop 503 and was active in choir and athletics, participating in both cross-country and lacrosse. Everyone who knew him regarded him as a happy, gentle, and caring man. After his term of service, he planned to go to college in Utah and join ROTC in order to become an officer.

This exceptional young man exhibited valor and a commitment to serving our country. Without people of Pfc Grella's quality, the Nation would fail to carry out its task as a protector of freedom.

My deepest sympathy and prayers are extended to his family and friends who are now in mourning. I pray for the safety of our servicemen and women and thank them for their dedication to the defense of our Nation.

IN HONOR OF LANCE CORPORAL  
JACOB RAUL LUGO

**HON. MICHAEL C. BURGESS**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. BURGESS. Mr. Speaker, I rise today to pay tribute to Lance Corporal Jacob Raul Lugo, who was killed while defending our Nation on August 24, 2004 in the Al Anbar Province of Iraq.

For the past year, Lance Corporal Lugo has rendered faithful, conscientious, and valuable services to the U.S. Marine Corps and to the United States of America. Lance Corporal Lugo will be remembered for his commendable service and dedication to this great Nation.

Lance Corporal Lugo was a native of Flower Mound, Texas and a recent graduate of Marcus High School. At Marcus High the future Marine was an exceptional student, participating in both the Marching and Symphonic Bands and excelling academically as a member of the Spanish Honor Society.

In 2001, Mr. Lugo decided to join the Marines, where he served exceptionally in his career. He honored our great country and defended freedom as a member of the Lima Company, 3rd Battalion, 7th Marine Regiment,

Weapons Platoon where he was awarded the National Defense Service Medal, Combat Action Ribbon, Presidential Unit Citation, Sea Service Deployment Ribbon Second Award and the War on Terrorism Expeditionary Medal. Lance Corporal Lugo was on his second tour of duty in Iraq.

Our thoughts and prayers go out to the family and friends of this young American hero.

HONORING "MOTHER FAIRFAX"  
MARTHA PENNINO

**HON. JAMES P. MORAN**

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. MORAN of Virginia. Mr. Speaker, on September 17th, Fairfax County, Virginia lost one of its most important and influential citizens when Martha Pennino, known as "Mother Fairfax", passed away. Through her leadership, Mrs. Pennino helped oversee the development of Fairfax County into one of the most prosperous and diverse jurisdictions in the Nation.

From 1968 to 1991 Martha Pennino served on the Fairfax County Board of Supervisors, including 17 years as the Vice Chairman. As the representative of the Centreville District, Mrs. Pennino worked tirelessly for her constituents. During her tenure she was involved in most of the major decisions affecting the County, and was instrumental in seeing Reston develop into a successful planned community. Her work also saw the development of projects including the Dulles Toll Road, South Lakes High School, and the Reston Regional Library. She helped create a sense of community for all those living in her district.

Martha Pennino will best be remembered by the citizens of Fairfax County for her commitment to the poor and homeless in her community. She opened her office at night for people without a home and provided them a bed and a warm place to rest. She created a homeless shelter in her district and ensured that with the enormous development occurring in Fairfax County there would be low-cost housing options for those who needed it. Martha Pennino also helped establish the Fairfax County Human Rights Commission to help fight discrimination throughout the County. While Fairfax County grew, she wanted to ensure that every person could be a part of this vibrant community.

In honor of her work to help all the residents of Fairfax County and for being an instrumental part in the growth of the County, I ask that the Reston Post Office be named after Martha Pennino. It is imperative that we honor and remember this remarkable woman.

FREEDOM FOR MIJAIL BARZAGA  
LUGO

**HON. LINCOLN DIAZ-BALART**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker. I rise today to speak about Mijail Barzaga Lugo, a political prisoner in totalitarian Cuba.

Mr. Barzaga Lugo is an independent journalist in totalitarian Cuba. He believes in writing and publishing the truth, including about the nightmare that is the Castro regime. In his quest to disseminate the facts about the politics of repression practiced by the tyrant, Mr. Barzaga Lugo has written for various publications, including Cubanet. However, the dictatorship mandates propaganda and the tyrant's thugs arrest and imprison the brave independent journalists who peacefully publish the truth about the decrepit regime.

In March 2003, as part of Castro's brutal crackdown on peaceful pro-democracy activists, Mr. Barzaga Lugo was arrested. In the sham trial that followed, he was sentenced to 15 years in the abhorrent totalitarian gulag.

According to Amnesty International, the sham trial verdict read, in part, "Mijail Barzaga Lugo, in 2002, wrote, as an independent journalist, in different websites like Cubanet, Cubaliberal, and Payolibre, different articles of a subversive and counterrevolutionary type." Let me be clear, this sham verdict only confirms that Mr. Barzaga Lugo is languishing in the infernal gulag because he heroically wrote the truth about the totalitarian dictatorship.

Mr. Speaker, it is unconscionable that anyone, anywhere, is imprisoned in sub-human gulags simply for their belief in truth, freedom and democracy. At the dawn of the 21st century, mankind must no longer tolerate prisoners of conscience in any form, in any place, in any country. My Colleagues, we must demand the immediate release of Mijail Barzaga Lugo and every prisoner of conscience in totalitarian Cuba.

RECOGNIZING TEN YEARS OF OPERATIONS AT PREMIUM STANDARD FARMS' MILAN PROCESSING FACILITY

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. GRAVES. Mr. Speaker, I proudly pause to recognize the Premium Standard Farms Milan Processing Facility. On September 19, 2004 Premium Standard Farms celebrated 10 years since the Milan plant first began operations. When the plant began its operations in 1994, there were only 200 employees. Today, the Milan facility employs more than 900 people and produces more than one million pounds of fresh pork per day.

The Premium Standard Farms Milan Processing Facility has received numerous awards since 1994. Just last year, the plant was named 2003 Food Plant of the Year by Refrigerated and Frozen Foods magazine. This prestigious award recognizes the company's exceptional record for not only food safety, but worker safety as well. Premium Standard Farms sets high standards to provide an all around safe product. During 3 of the last 4 years, employees at the facility have worked over one million combined hours without a lost-time accident of any kind, a feat that many plants have not achieved even once. This spring, the Milan Processing Facility received the American Meat Institute's highest safety award: the Award of Honor. The Award of Honor is presented to those facilities that



demonstrate continuous improvement in safety, based on criteria administered by the National Safety Council. Only 1 percent of U.S. slaughter plants receive this honor.

Mr. Speaker, I proudly ask you to join me in congratulating Premium Standard Farms on 10 years of safe and productive operations at the Milan Processing Facility.

#### SUPPORTING TAIWAN'S EFFORT TO RETURN TO THE UNITED NATIONS

#### HON. NICK LAMPSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2004

Mr. LAMPSON. Mr. Speaker, in seeking to return to the United Nations, the Republic of China on Taiwan will once again ask diplomatic allies to present its case before the United Nations this fall. I am in total sympathy with Taiwan's effort. Taiwan is the only nation not represented in the U.N. Taiwan's exclusion from the U.N. violates the principles and spirit of the U.N. Charter, especially the fundamental principle of universality and the Universal Declaration of Human Rights.

As we all know, the U.N. Charter demands that this global body welcome the participation of all people, including the 23 million people of Taiwan. Those who object to Taiwan's participation in the U.N. argue that U.N. Resolution 2758, adopted in 1971, makes the People's Republic of China the legitimate representative of Taiwan. The fact is that the PRC has never exercised jurisdiction over Taiwan. It is absurd to claim that the PRC can speak for a land and people over which it has no control. If the United Nations is founded on the principle of the equality of sovereign nations, it has no reason not to recognize Taiwan's sovereignty as an independent nation. It must and should give Taiwan representation.

Moreover, as we live in an era of the ascendancy of democracy and human rights, we must see that Taiwan has been a vibrant democracy with a democratically elected president and legislature. Taiwan's government upholds human rights. Its citizens enjoy freedom of assembly, association and religion. Free nations of the world cannot allow Taiwan, a beacon of democracy, to be subdued by an authoritarian China.

Besides being a multiparty democracy, Taiwan is an economic powerhouse, now ranking as the world's 14th largest economy. It has the potential to be a valuable party to ensure peace, security and progress in the Pacific region. Clearly it does not serve anyone's interest to keep Taiwan out of the United Nations. Also, as Asian-Pacific nations are confronted with problems of environmental degradation, greenhouse effects, depletion of marine and other resources, poverty and disease, Taiwan could play a significant role in grappling with some of these concerns if it were allowed to work with the United Nations and its agencies. No such opportunity awaits Taiwan today.

Mr. Speaker, I truly believe that Taiwan has been poorly treated by the United Nations. Taiwan has been a responsible global citizen for years. It has done a good job, for example, in helping to resettle refugees in Afghanistan, in preventing AIDS in Africa and in dispatching numerous technical and medical teams to de-

veloping countries in Latin America and Africa. U.N. should recognize and reward Taiwan's global outreach to needy countries.

Maybe the solution is parallel representation for both Taiwan and the People's Republic of China on the pattern of the previous East and West Germanys and the North and South Koreas. Such an arrangement would provide Taiwan and China with a forum for dialogue whereby they may forge closer ties based on mutual understanding and respect, leading to permanent peace in the Taiwan Strait.

For all the reasons named above, my colleagues and I urge the United Nations to consider Taiwan's bid to return to the U.N. with thought and wisdom.

#### HONORING THE JOFFREY BALLET OF CHICAGO

#### HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2004

Mr. EMANUEL. Mr. Speaker, I rise to congratulate The Joffrey Ballet of Chicago on more than 40 years of excellence and artistic achievement.

Since its foundation in 1956, the Joffrey Ballet has brought a unique and innovative approach to American dance theater. In addition to entertaining Chicago audiences for decades, the Joffrey exists as a touring company with a repertoire of original ballets and choreography that have been enjoyed by ballet fans worldwide.

Created by Robert Joffrey and Gerald Arpino, the Joffrey held its first major production at Chicago's 8th Street Theater on January 22, 1957. The performance proved to be a tremendous success, and helped establish the Joffrey as one of the best national companies of the day. In addition, the Joffrey has received international acclaim for its performances in 25 foreign countries, including Korea, Syria, and Afghanistan.

Renowned for a remarkable repertory of more than 225 ballets by 85 choreographers, The Joffrey commissioned the first ballets of such notable American choreographers as Alvin Ailey, Laura Dean, Anna Sokolow, and Chicagoan Randy Duncan. Furthermore, the company has revived many of the lost classics such as *Parade* from 1909, and *The Three-Cornered Hat* from 1919. In addition, The Joffrey has achieved great success by incorporating modern technology and pop culture into its productions to create ballets that are appealing to modern audiences.

Mr. Speaker, I join with the people of Chicago in congratulating The Joffrey Ballet of Chicago, one of Chicago's finest cultural institutions. From its brilliant original productions, to its extraordinary presentations of the classics, the company continues to perform ballet at the very highest of levels. I am happy to applaud their numerous achievements, and to wish them continued growth and future success.

#### HISPANIC ENGINEERING SCIENCE AND TECHNOLOGY WEEK

#### HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2004

Mr. HINOJOSA. I rise today to commend the University of Texas Pan American on organizing the 3rd annual Hispanic Engineering Science and Technology Week (HESTEC), a national celebration, emphasizing the importance of math and science literacy by highlighting rewarding career paths in engineering, science, and technology.

The University of Texas Pan American is one of the premier Hispanic-Serving Institutions in the Nation not just because of the large number of Hispanic students that attend classes here but because of the university's longstanding and deeply rooted commitment to expanding access to education for our community. HESTEC is just one example of that commitment to our young people, our future.

We are in the midst of celebrating Hispanic Heritage Month—a time to celebrate Hispanic culture and the many contributions Hispanic Americans have made to this great Nation. The University of Texas Pan American, through the HESTEC initiative, has decided to celebrate Hispanic Heritage Month by looking to the future.

Love of country is a fundamental value in the Hispanic community. When the nation is in need, Hispanic Americans have always answered the call to serve. It is in this fine tradition that University of Texas Pan American founded HESTEC.

HESTEC is a call to serve. It is a call to our Hispanic youth to step in and fill the pressing national need for highly trained professionals in the fields of science, engineering, and technology.

Our Nation is facing a shortage of critical proportions in the fields of math, science, engineering and technology. Science and engineering employment opportunities are increasing three times faster than all other occupations. Yet, the number of college students entering the fields of math, science and engineering continues to decline, placing America's position as the world's leader in science and technology at risk. Increasingly, Hispanics will be called upon to reverse that trend. By the year 2010, Hispanics will represent 1 out of 4 students in U.S. schools, but today only 4 percent of U.S. scientists and engineers are Hispanic. This presents both a challenge and an opportunity for higher education institutions to attract more Hispanics entering the career fields of science and technology.

The University of Texas Pan American recognized that Hispanic Serving Institutions have a unique responsibility to meet this challenge and to increase the number of Hispanics in math, science, engineering and technology fields. Therefore, in October 2002, under the leadership and vision of Roland Arriola, vice president of external affairs, the university hosted the first Hispanic Engineering Science Technology Conference (HESTEC).

Since its inception, HESTEC has captured the imagination of South Texas and galvanized the community around the goal of preparing the next generation of mathematicians, scientists, engineers, and technology experts. This event has engaged our community on all

levels. Last year, HESTEC reached over 1,500 teachers, 25,000 community members, and 330,000 students from across Texas. The initiative also has generated \$1 million in scholarship dollars for college students.

The University of Texas Pan American has created a model initiative for the Nation. Today, on the eve of the 3rd annual HESTEC and in the midst of our national celebration of Hispanic Heritage Month, I urge my colleagues to join me in saluting this fine institution for its service to the Hispanic community and to the Nation.

CELEBRATING THE 60TH ANNIVERSARY OF THE COMMISSIONING OF THE USS "OZARK" IN PORTLAND, OR, AND HONORING ITS CREW

**HON. EARL BLUMENAUER**

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. BLUMENAUER. Mr. Speaker, it is with great pleasure today that I welcome the crewmembers of the USS *Ozark* back to Portland, OR to celebrate the 60th anniversary of the ship's commissioning on September 23, 1944. The *Ozark*, built by the Willamette Iron and Steel Corporation here in Portland, crossed the Columbia River bar less than 2 weeks later and played a vital role in our Nation's victory in the Pacific Theater during World War II. The Pacific Theater saw some of the war's most dangerous naval encounters, and the commitment of the USS *Ozark's* crewmembers is a testimony of their bravery and sacrifice.

In the Pacific Theater, the ship and its crew transported troops for the invasion of Iwo Jima and evacuated wounded Marines to hospitals in Guam. After seeing further action in the Pacific Theater, the USS *Ozark* was present in Tokyo Harbor during the historic ceremony where the Japanese surrendered on board the USS *Missouri*. The ship then returned 950 recovered American prisoners of war to the United States via Guam and Pearl Harbor.

I want to take this opportunity to thank those who served aboard the USS *Ozark* for their brave efforts in the defense of our Nation. I wish them a festive 60th anniversary celebration this week in Portland.

TRIBUTE TO MR. LOWELL E. ENSLEN

**HON. PETER J. VISCLOSKY**

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. VISCLOSKY. Mr. Speaker, it is with great honor and pleasure that I stand before you today to recognize the many accomplishments of Mr. Lowell E. Ensenlen during 52 years of service in the Northwest Indiana community. Lowell has spent nearly five decades representing his community. His career as a lawyer has allowed him the opportunity to touch the lives of numerous people.

Lowell E. Ensenlen was born in Gary, Indiana in 1927. He attended Hobart public schools and Valparaiso University. Lowell was admitted to the American Bar Association in 1952.

He was National President of Sigma Delta Kappa from 1963–1964, Town Attorney of Dyer, Indiana from 1957–1960, 1962, and 1964–1972 and of Cedar Lake, Indiana, from 1976–1980. Lowell has accomplished many visionary goals throughout his career. He is a member of Ensenlen, Ensenlen & Matthews Law Firm, which was established in 1960. Ensenlen, Ensenlen, & Matthews Law Firm provides general civil, criminal and appellate practice in all State and Federal courts, family/domestic relations, probate and estate planning, insurance, real estate and labor relations law.

Not only has Lowell Ensenlen had many constructive accomplishments throughout his career as a lawyer, he has also actively contributed to his community through participation in various programs designed at improving opportunities for the people of Northwest Indiana. Lowell was President of Members Hammond from 1965–1966 and is currently affiliated with Lake County, Indiana State, and American Bar Associations, American Judicature Society, Indiana Trial Lawyers Association, The Association of Trial Lawyers of America, and Fellow Indiana Bar Foundation. Along with his many other accomplishments, Lowell has received numerous certificates and awards.

Lowell has demonstrated his faithfulness by his extraordinary service to Ensenlen, Ensenlen, & Matthews and his community through his hard work and self-sacrifice. Although Lowell has served on numerous committees and has dedicated his time to Ensenlen, Ensenlen, & Matthews, he has never neglected to provide support and love to his family.

Mr. Speaker, Lowell E. Ensenlen has given his time and efforts selflessly to the people of Northwest Indiana throughout his years of service. He has taught every member of Ensenlen, Ensenlen, & Matthews the true meaning of service to all members of the Northwest Indiana community. I respectfully ask that you and my other distinguished colleagues join me in congratulating Mr. Lowell E. Ensenlen for his outstanding contributions to Indiana's First Congressional District. I am proud to commend him for his lifetime of service and devotion.

TRIBUTE TO INSPECTOR DENNIS WITULSKI AND BIO-OPERATIONS CHIEF ANTHONY MALTESE

**HON. SANDER M. LEVIN**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. LEVIN. Mr. Speaker, on Friday, September 24, 2004 the Sterling Heights Fire Fighters Union will host their Annual Dinner-Dance, honoring their 2004 retirees. This yearly event, honors Sterling Heights firefighters for their dedication to their community and recognizes their commendable contributions to the city. I am pleased to be associated with this fine organization and to call many of them my friends.

I am proud to rise today to pay tribute to the careers of two retiring firefighters.

Inspector Dennis Witulski, discharged from the U.S. Navy in 1973, was appointed as a Sterling Heights firefighter on July 20, 1981. He was promoted to FEO in 1992 and then

promoted again to Lieutenant in 1996. Mr. Witulski was deemed Firefighter of the Year in 2001 by the city of Sterling Heights and American Legion Post 151. He twice received Perfect Attendance awards in 1996 and 2002. Mr. Witulski received various merits and awards throughout his tenure with the fire department, and retired on July 20, 2004.

Bio-Operations Chief Anthony Maltese was born in Detroit, Michigan, on June 6, 1950. He was appointed to the position of firefighter January 29, 1973. He received commendation for responding to a house fire in 1974 and a Meritorious Unit Citation for a lifesaving incident in 1986. Mr. Maltese was promoted to Lieutenant in July of 1992, and promoted again to Captain in October of 1995. He received his Associates Degree, Cum Laude, in 1994 and was appointed Battalion Chief in 1997. Mr. Maltese retired as Operations Chief on November 19, 2003.

Many of us embark on a profession that does not call for us to put our lives in danger each day we go into work. These men chose to dedicate their careers and their lives to helping people in their community stay safe and secure, and putting their lives in harm's way to save a life, a family, a home.

Mr. Speaker, I ask my colleagues to join me in recognizing these two heroes, who have dedicated themselves to Sterling Heights and the community at large in a way that few can; with valor, commitment and honor.

TRIBUTE TO GIANNA ANGELO POULOS-DASKALAKI FOR HER OUTSTANDING SERVICE TO THE 2004 OLYMPIC GAMES

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Ms. DeLAURO. Mr. Speaker, I am honored to rise today to extend my sincere congratulations to Gianna Angelopoulos-Daskalaki, the woman who was responsible for the success of the 2004 Olympic Games held in Athens, Greece. As head of the Athens 2004 Organizing Committee, "Mrs. A" was instrumental in ensuring that Athens remained the site of Summer Games and that the massive undertaking of construction and organization was completed.

Preparing for an event that is as elaborate as the Olympic Games is a monumental task—one which was almost lost to Athens. Credit for the success of the Games has gone to the leadership and determination of Mrs. A whose vision, tenacity, and pride in Greece enabled the Athens 2004 Organizing Committee to overcome every challenge they faced.

I was fortunate enough to have the opportunity to attend this summer's games and found myself in awe of all that surrounded me. From the magic of the opening ceremonies and the lighting of the Olympic Torch to the incredible athletic venues, Athens was nothing short of spectacular. As the Games were brought back to their birthplace, the city was reborn—the Old World met the New and people from across the world celebrated in the spirit of competition. Whether spectators marveled at the breathtaking image of the lighted Parthenon in the night sky, or took in the

beauty of the Greek countryside as marathon runners raced along the original route from the city of Marathon to the Olympic Stadium, Mrs. A brought the world to Athens—reminding us of all that this ancient civilization has meant to world history and of all that this great country has yet to offer.

In the days before the opening ceremony, Mrs. A wrote, "Some will call what we have achieved a miracle. It is a miracle, but one that's man-made—a product of hard work, discipline and the pride of the Greek people." She could not have been more accurate. Today's Athens is a unique blend of an ancient civilization and modern marvel—with its rich history celebrated and showcased for the world to enjoy. In ensuring the success of the 2004 Olympic Games, Mrs. A has also brought renewed vigor and beauty to one of the world's most fascinating cities.

For her outstanding contributions to both the 2004 Olympic Games and to the city of Athens, I am proud to stand and congratulate Gianna Angelopoulos-Daskalaki. She has left an indelible mark on our consciousness and shared history.

#### RECOGNIZING EAGLE SCOUT STEPHEN TYLER STOKES

#### HON. BRAD MILLER

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2004

Mr. MILLER of North Carolina. Mr. Speaker, I want to acknowledge the perseverance and achievement of Stephen Tyler Stokes in earning the rank of Eagle Scout, Boy Scouts of America, Oconeechee Council—Troop 104, on December 12, 2003, and entered into the CONGRESSIONAL RECORD as such. His Court of Honor commenced on July 24, 2004.

While a member of Troop 104 in Wake County, North Carolina, Stephen served in various positions including Librarian, Instructor, Troop Guide, Assistant Patrol Leader, and even Patrol Leader. He learned what it takes to assist his fellow scouts and how to lead them. Stephen attended the National Boy Scout Jamboree in 2001, at Ft. A.P. Hill in Virginia, which influenced him to become an Eagle Scout and a role model for younger boys.

In addition to devoting his time to being an Eagle Scout, Stephen attended Broughton High School in Raleigh, NC, where he helped establish the F.I.R.S.T. Robotics Program, participated in the Chess Club, and served as webmaster for the Literary Magazine and the Japanese Animation Club. Stephen received an Enterprise in Action Certificate of Achievement from Junior Achievement and was listed in the publication Who's Who Among American High School Students.

Stephen's commitment to serving his community and helping others is truly commendable. He has helped construct homes in Charleston and Philadelphia as part of Habitat for Humanity's ongoing inner-city improvement projects. During Stephen's 8 years with the Boy Scouts, he was an active participant in the Citizenship in the Community, Citizenship in the Nation, and Citizenship in the World volunteer programs.

Mr. Speaker, I know his father Steven and his mother Jamie are proud of all that their

son has accomplished and join me in recognizing that the achievement of earning the rank of Eagle Scout is just the beginning of a bright future for their talented and deeply committed son.

The journey a young man makes to earn the rank of Eagle Scout requires not only a scout's dedication to his community, but also the community's dedication to the scout. I would like to extend my congratulations and best wishes to Stephen Tyler Stokes, his family and Troop 104.

#### CONGRATULATIONS, TAMI DOETCH

#### HON. PAUL RYAN

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2004

Mr. RYAN of Wisconsin. Mr. Speaker, what an honor it is to be able to congratulate Tami Doetch, a teacher at Wilson Elementary School in my hometown of Janesville, Wisconsin, for being recognized by the U.S. Department of Education as a No Child Left Behind American Star of Teaching.

Every day, Tami Doetch goes to school committed to helping students learn to read and master the building blocks that will form the foundation of their education. She teaches third- and fourth-graders and has put a lot of time and energy into helping English language learners.

By using effective teaching techniques to open up the world of reading to her students, she is giving them the tools to achieve their dreams, not to mention countless hours of reading enjoyment throughout their lives.

Tami Doetch has also taken a leadership role, going above and beyond her work in the classroom. She oversaw the incorporation of the Harcourt Brace Reading Program into instruction at Wilson Elementary. And she has led tutoring and after-school reading programs.

For many of us, our most challenging teachers are the ones we remember most fondly because they pushed us to think and taught us lessons that we still rely on today. I have no doubt that Tami Doetch's students will remember her fondly and gratefully for her dedication to their reading instruction and overall education.

#### ESSAY BY BROOK ROBISON "MY COMMITMENT TO AMERICA'S FUTURE"

#### HON. ROB BISHOP

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2004

Mr. BISHOP of Utah. Mr. Speaker, I am pleased that Brooke Robison, a high-school student at Layton High School in The First Congressional District of Utah was selected earlier this year as a recipient of the Veterans of Foreign Wars' 2004 "Voice of Democracy" scriptwriting contest. I commend to my colleagues her essay which speaks so movingly of the sacrifices of her grandfather and, indeed, all members of the U.S. Armed Forces in protecting our freedom.

#### MY COMMITMENT TO AMERICA'S FUTURE

(By Brooke Robison, Utah)

On a stormy afternoon in February I was working towards an easy "A" for my history class. The assignment was to write an essay on a veteran's most memorable war experience. "Piece of cake," I thought. "I'll just interview my Grandpa, he fought in World War II. He might even have a story written up for me by the time I got there and I could be on my way." But, when I arrived at my grandparent's home, I saw that he had brought out piles of war memorabilia to show me. "Great," I thought, "this is going to take longer than I thought. I'm actually going to have to act interested." I picked up a photograph and was drawn in by the dashingly handsome young pilot that smiled up at me. The other aged photographs began to intrigue me and I gently fingered the old uniforms and medals and read the letters he had saved. I had never really thought of him as a young guy. I mean he was always, you know, GRANDPA! I was surprisingly fascinated about the life he had when he was barely older than I am now. I became anxious to hear the story he had selected to share with me for my project. Little did I know that his story would rock my shallow little world.

Near the end of the war a group of cocky young pilots emerged from their mess tent in Germany. They nearly ran into a truck full of sandy material parked near them on the street. My grandfather, a bright and promising mining engineer before the war, prided himself on being able to quickly identify almost any rock or mineral. He boasted that he could probably tell the make up of the sand just by touching it. He thrust his hand in and let it run through his fingers. Puzzled, he did it again and again, sniffing it and rubbing it between his palms. "What is this?" he thought, "I must be losing my touch!" He approached the driver of the truck and explained his professional background. "What is this stuff?", he asked, "I just can't figure it out!" The driver answered with a tone of one who had learned to distance himself from the daily horror of his job. "Ashes," he replied flatly, "human ashes."

The driver's answer struck me as hard as it did my grandfather decades ago. I felt as if my eyes had been opened for the first time. Wars weren't just a flash of information on the news or something that starred Tom Hanks. My young, handsome grandfather had watched the remains of thousands of innocent lives run through his fingers like common playground dirt. His efforts, and those of thousands of others, made sure that this carnage would stop. Brushing aside tears he whispered to me, "Tell this story, tell it, so this can never happen again." I came away from that visit with my grandfather knowing I had lived a shallow and ungrateful life. As corny as it may sound, my grandfather's story changed who I am and what I will do with my future. I learned that day that I have a responsibility to my country. The sale at the mall or having a date on Saturday night is nowhere near as important to me as my latest service project. I feel that if America's soldiers can endure so much to make our world a better place, I can certainly do all I can to improve my little corner of it. I have developed a passion to learn about wars and conflicts in our history. I have joined political youth groups so I can be well informed when I'm old enough to vote. I collect food for the local food pantry, fill and deliver bags of supplies for children in shelters, and make blankets for homeless. I wrote a song that encourages young people to get involved in community service. I was honored to perform it this past summer at a national award ceremony honoring outstanding youth in service. Performing with

the Marines the last two years I became aware that gifts for teenagers run out early. There are never enough. I knew I could come up with a plan to help. I developed a program called Toys for Teens that involves running teen gift drives in our high schools and middle schools. I presented my idea to the Marines in my area and it was enthusiastically approved. The program is well received and is being implemented all across the state giving other young people the opportunity to know joy of giving back to their community. We hope to raise hundreds of thousands of dollars worth of donations. With this project I am proud to serve the youth of my community while also supporting my country's servicemen.

But I feel that the most important thing that I can do to show my commitment to America's future, is to tell my grandfather's story. As young people we need to make an effort to hear and pass on the stories from our country's past. Armed with the strength of the stories of our Nation's past heroes, we can truly have an inspired commitment to America's future.

IN MEMORY OF GEORGEA BLACK  
McKINLEY

HON. MARION BERRY

OF ARKANSAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. BERRY. Mr. Speaker, I rise today in memory of Georgea Black McKinley, an Arkansan whose dedication to her family, her church and her community was as strong as the constitution of her pioneering ancestors.

Mrs. McKinley could trace her family roots all the way back to the true founders of this great nation: America's first pioneers. In order to stay in touch with her historic and noble history, Mrs. McKinley was a member of the Arkansas Pioneers, United Daughters of the Confederacy and Daughters of the American Revolution.

Born in DeWitt, Arkansas, she was the daughter of the late Lester A. and Mary Black. Mrs. McKinley attended DeWitt schools, Ward Belmont School in Nashville, Tennessee and then Randolph Macon Woman's College in Lynchburg, Virginia.

Mrs. McKinley's family holds a special place in my own career, as well. It was Georgea's father, L.A., who had vision of how crucial water is to a farmer. I have no doubt Mr. Black also passed down his knowledge of irrigation strategies and water management issues to his daughter. I never met him, but the legacy of the value of water has impacted my home community forever.

Georgea McKinley was an active Methodist, but her commitments to her community did not stop at the church steps. She was a member of the Aesthetic Club, The Colonial Dames of America, Little Rock Garden Club, Junior League of Little Rock and the Edelweiss Club.

Mrs. McKinley leaves behind a large and loving family filled with children, grandchildren and great-grandchildren. On behalf of the Congress, I extend sympathies to her family and the utmost respect to a woman whose love for her friends and family was unlimited and whose time was generously shared with the community. Georgea Black McKinley was a true role model, and I am honored to be able to recognize her in this Congress.

INTRODUCTION OF THE RAIL AND  
PUBLIC TRANSPORTATION SECURITY ACT

HON. ROBERT MENENDEZ

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. MENENDEZ. Mr. Speaker, today I am pleased to be joined by my Democratic colleague from New Jersey to introduce the Rail and Public Transportation Security Act, which would force the Federal Government to finally get serious about protecting our Nation's transit and intercity rail passengers.

This bill addresses the tremendous disparity between what we spend on security for each airline passenger and what we spend for each bus and train passenger, who are no less vulnerable than those who fly. In fact, data from the National Memorial Institute for the Prevention of Terrorism shows that public transportation passengers are in far more danger worldwide than airline passengers. Since 9/11, there have been roughly 50 terrorist incidents targeting airports and airlines, resulting in about 120 deaths. In the same 3 years, there have been over 280 terrorist attacks on other transportation systems, with over 600 fatalities.

The recent attacks in Spain, and intelligence that terrorists may strike the rail and systems here in America, dictate that we now broaden our attention to also include rail and transit security. Each year, approximately 24 million intercity rail passengers ride Amtrak, and 9.6 billion people travel by transit. Every day, 32 million commuters, students, and tourists depend on our public transportation system. One of the ripple effects of 9/11 was that the aviation industry was shut down for several days. Imagine the social and economic dislocation that would occur if a major attack destroyed people's confidence in our transit system, or made it grind to a halt. The economic impact would be far greater than 9/11.

Our Nation's rail and transit systems are highly vulnerable, and require at least \$5.2 billion in capital equipment and \$800 million in annual operating expenses to adequately meet security needs, according to the American Public Transportation Association. This legislation provides that funding, and just as importantly, it allows operating expense grant money to be used for the best security device of all: more police officers.

Giving our transit agencies money for fences, cameras and explosive detection equipment is necessary, but only a half-measure unless we also give them money for the cops and security officers that make all that equipment work. This bill allows money to be used for hiring new cops and security officers, pay them overtime when necessary, deploy additional K-9 units, conduct helicopter patrols, and more. In short, it unties the hands of our transit agencies and lets them spend the money where they need it.

This legislation also provides badly needed security and safety funding for Amtrak, including \$670 million for safety upgrades to the tunnels that run underneath New York, Baltimore, and Washington, DC. These tunnels are simply not properly equipped for rescue operations or evacuation should either be necessary. An additional \$62 million for Amtrak to put towards security expenses, including the

hiring of additional police officers, is also provided.

Mr. Speaker, this bill would authorize new research and development grants to help develop new technologies for both passenger and freight rail that can help reduce the threat of terrorist attacks. And since rail security involves more than just deterring terrorist attacks, the legislation would establish new inspection procedures for rail track, and set new standards for tank cars, to make sure their hazardous cargo isn't released in the event of an accident.

I believe this bill is already long overdue. I urge my colleagues to imagine what we would have done, what action we would have taken, if the Madrid train bombings had occurred in our homeland, on our soil. What immediate investments would we have been ready to make? What urgent action would we have been willing to take?

Well, we can do it now. Let's make that investment and take those actions now. Let's take what steps we can to reduce the risk to our Nation's transit. We don't need commissions and studies after a tragedy in order to act, so let's not get mired in that now. Nearly 3 years of needs assessment and analysis have occurred, and we have the data to put a program in place. All it takes is Congress having the gumption to act before a tragedy on the rails takes place in this country.

QUESTIONING BUSH'S RECORD ON  
VETERANS

HON. LANE EVANS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. EVANS. Mr. Speaker, on August 16, President Bush stood before the national convention of the Veterans of Foreign Wars (VFW) and proclaimed: "... my administration has a solid record of accomplishment for our veterans ... To provide health care to veterans, we've increased VA medical care funding by 41 percent over the past 4 years."

The reality is far more complex.

In 1997, Congress gave the Department of Veterans Affairs (VA) the authority to collect and retain veterans' copayments for health care. As a result, about 6.4 percent of the VA's medical care system is now (fiscal year 2004) comprised of veterans' copayments. The Bush Administration has made no secret that it would like to increase the share of this budget borne by veterans, including combat decorated veterans, while at the same time taking steps to discourage veterans' use of their health care system or explicitly bar their entrance into the system. The Administration's budget request for fiscal year 2005 would increase the share of the budget financed by veterans to 8.7 percent.

The Congress—for the third consecutive year—has rejected the legislative proposals in the President's budget that would charge a new enrollment fee for certain veterans and increase copayments for pharmaceutical drugs. Democrats in the House and Senate have also asked VA Secretary Anthony J. Principi to reconsider his current position to prohibit some veterans from enrolling in the VA health care system.

The President's claim that "we've" added 41 percent for VA medical care gives the false

impression that he has endorsed all of these increases to the VA budget. In fact, the President has requested only about a 25 percent increase in appropriated funding over 5 years; the remainder has come from funding added by Congress and from increased collections of copayments from veterans.

Keep in mind that during the same period, the number of veterans entering the VA health care system grew by almost 50 percent. Additionally, medical inflation (which VA forecast at five percent per year) increased by seven to eight percent per year. The total average annual increases of eight percent over the five budget cycles in question still have required VA to take dramatic action to continue to deliver health care services to veterans. In addition to halting enrollment for tens of thousands of veterans with incomes as low as \$25,000 who might not be able to afford private health insurance, VA has proposed elimination of nursing home care for all but the most severely service-disabled veterans.

Moreover, the President has actually opposed Congressional efforts to add funds to the VA health care system. On July 26, 2002, Congress authorized \$275 million to address the costs of caring for VA's higher priority groups—service-connected and low-income veterans and those in need of specialized services. The President failed to designate these funds as emergency spending pursuant to the Balanced Budget Act, so the additional resources Congress sought to provide, which would have remained available to the agency throughout fiscal year 2003, were sacrificed.

The Bush Administration also objected to Congressional attempts to add \$1.3 billion for veterans' health care in the FY 2004 Emergency Supplemental for Iraq and Afghanistan Security and Reconstruction Bill. Joshua Bolten, Director of the White House Office of Management and Budget (OMB) wrote to House and Senate appropriators on October 21, 2003: "The Administration strongly opposes these provisions that would allocate an additional \$1.3 billion for VA medical care . . ."

A second Bush term would likely create an even more difficult funding environment for veterans' programs. OMB guidance leaked to the Washington Post this spring indicated that, for fiscal year 2006, the White House would require VA to identify \$910 million to cut from its fiscal year 2005 budget request for discretionary programs—primarily, medical care, construction, and research.

The President also told the VFW: "We've reduced the large backlog of disability claims by about a third; we will reduce it even further."

Again, not so and not likely. When President Bush assumed office in January 2001, 278,334 veterans' disability claims were awaiting a VA rating decision. As of August 21, 2004, there were 330,380 disability claims awaiting a rating decision. The one-third reduction claimed by President Bush is not supported by VA's own data.

I am concerned that the Bush Administration's emphasis on productivity as a goal in itself, has actually been harmful to veterans. Veterans need a timely accurate decision when they apply for benefits. In an effort to meet production goals, I have found veterans rated on the basis of inadequate medical examinations which do not fully address the impact of a veteran's disability on his or her abil-

ity to function. It is tempting for well-meaning VA employees under pressure to reduce the backlog to decide the claim rather than sending the examination back to correct the deficiencies.

One measure of accuracy is the marked increase in veterans' claims pending at the Board of Veterans Appeals (BVA). When President Bush assumed office, 87,291 appeals were pending. As of August 14, 2004, there were 149,222 appeals pending. With increasing frequency, BVA continues to send claims back for evidence which should have been obtained before the claim was decided.

The prospect for the future is even worse. Despite increasing numbers of claims for service-connected compensation from the current wars in Iraq and Afghanistan as well as past conflicts, the Bush Administration fiscal year 2005 budget calls for 289 fewer full-time employees to handle disability compensation claims than were on the rolls in 2003. Cutting employees who decide these claims at a time when the number and complexity of claims is increasing does a great disservice to veterans.

The misdirection in the President's speech continued: "For more than a century, federal law prohibited disabled veterans from receiving both their military retired pay and their VA disability compensation. Combat-injured and severely disabled veterans deserve better. I was proud to be the first President in over 100 years to sign concurrent receipt legislation."

Considering his threats to veto it, his party's vehement objections to it, and the behind-closed-doors Republican "compromise" that excludes two-thirds of those eligible and forces the rest to wait 10 years to receive full benefits, "proud" seems an odd choice of words.

"We're getting the job done in Washington, D.C.," said the President to the VFW. Earlier this year, VFW then-Commander-in-Chief Edward S. Banas, Sr., gave his own assessment: "The President ignored veterans in the State of the Union Address and with [the] release of his 2005 budget, it is further evident that veterans are no longer a priority with this administration . . . the American people will not tolerate this shoddy treatment of America's veterans, especially at a time of war."

#### RECOGNITION OF MICHAEL F. CANTWELL IN HONOR OF HIS RETIREMENT

#### HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2004

Mr. PALLONE. Mr. Speaker, I rise today to pay tribute to an individual who I am fortunate enough to call a dear friend, Mr. Michael Cantwell. Mike, who started his career as an Apprentice Steamfitter in 1960, will be retiring this week, leaving behind a legacy of public service and dedication to working families throughout the great State of New Jersey.

As a longtime union member and leader, Mike has tirelessly devoted his efforts and time to countless State, county and municipal organizations. For the past 44 years, he has served proudly, as a member of the United Association of Plumbers and Pipefitters, Locals 236 and 9. Currently, he serves as Local 9's business manager, financial sec-

retary-treasurer. As a staunch supporter of worker's rights and active union member and leader, Mike currently serves as the vice president of the New Jersey State AFL-CIO and the New Jersey State Building and Construction Trades Council. He is also a member of the New Jersey Joint Labor-Management Committee and the New Jersey Alliance for Action.

In addition, Mike is president of the New Jersey State Association of Pipe Trades, and the Mechanical Trades Council of New Jersey. He also chairs the Plumbers and Pipefitters Local Union No. 9 Joint Apprenticeship Committee, as well as the Trustees of the Education Fund—UA/Air Conditioning and Refrigeration Contractors Association of New Jersey.

For the past 17 years, Mike has proudly served on the Mercer County vocational Technical School Board, and his civic responsibilities also include his service on the New Jersey State Employment and Training Commission Executive Committee and the Mercer County Planning Board.

An avid golfer, and proud father of 4, Michael, Lee, Barbara and Patrick, and grandfather to Luke and Eric, Mike has been married to his wife Lynne for the past 44 years. A true friend, and ardent supporter, Mike has been invaluable to my reelection efforts over the years. I have profound admiration and respect for Mike, and I am certain that his best years have yet to come. I wish Mike and his family the best that retirement has to offer and I extend my heartfelt praise and gratitude for all that he has done.

#### VIDEO VOYEURISM PREVENTION ACT OF 2003

SPEECH OF

#### HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 2004

Mr. GONZALEZ. Mr. Speaker, I wish to express my strong support for passage of S. 1301, the Video Voyeurism Prevention Act. I wish to thank Chairman OXLEY, Senator DEWINE, Senator SCHUMER, as well as Chairman SENSENBRENNER and Ranking Member CONYERS for their work on this legislation.

Mr. Speaker, unfortunately video voyeurism has become a rapidly growing national problem. With the development of the Internet and miniature camera technology, anybody can now readily invade the privacy of another by secretly videotaping or photographing others and putting those compromising images on the Internet. We all regularly see pop up advertisements on the Internet for new miniature camera technology. Undoubtedly this technology is being used by many "Peeping Toms" to spy on others. It is time that Congress takes a stand against the growing misuse of these new technologies.

S. 1301, the Video Voyeurism Act makes it illegal for anyone on federal property to capture an improper image of another under circumstances that clearly violates the privacy of that individual. It is my hope that this legislation will spur individual states to follow suit and update their criminal codes to ensure that their citizens are similarly protected from video voyeurism in areas under state jurisdiction.

Mr. Speaker, every American has a fundamental right to privacy that should be protected from intentional, unwanted incursion. S. 1301, the Video Voyeurism Prevention Act takes an important step towards updating our nation's privacy protections for a new generation of video and camera technology. I support passage of this legislation.

#### DOCTORS FOR DESIGNATED DRIVING

#### HON. ANDER CRENSHAW

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. CRENSHAW. Mr. Speaker, today I rise to recognize the achievements of Doctors for Designated Driving which is putting one of President George W. Bush's guiding principles—compassionate conservatism—into practice.

Doctors for Designated Driving is a group of physicians dedicated to working with the hospitality industry and other groups to promote the role of the designated driver. The group recognizes cooperating partners for their commitment to public safety through publicity and recognition awards including the "Platinum Key of Life."

I am proud that the Jacksonville Jaguars, together with the National Football League and the Techniques for Effective Alcohol Management (TEAM) Coalition, are supporting the designated driver programs during the 2004 season with a special incentive. This year Alltel Stadium—home of the Jacksonville Jaguars and host of Super Bowl XXXIX—encourages responsibility by providing fans a designated driver booth program where participating patrons receive free non-alcoholic drinks. Fans who register to be a designated driver will pledge not to drink alcohol, will drive their friends and family home safely, and will ensure that everyone always buckles up. At the end of the season, the TEAM Coalition and the Jacksonville Jaguars will select one designated driver to represent the team at Super Bowl XXXIX. The selected designated driver will receive two tickets to the game and hotel accommodations.

I want to commend my friend, Dr. Howard Forman, for his work in founding Doctors for Designated Driving. With our strong support, it is my hope that Doctors for Designated Driving will be successful in the promotion of designated drivers throughout the nation.

#### RECOGNITION OF ROBERT MARQUETTE, NEWLY ELECTED DIRECTOR ON THE BOARD OF THE NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS

#### HON. TIM HOLDEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. HOLDEN. Mr. Speaker, I rise today to recognize Bob Marquette, the president and CEO of Members 1st Federal Credit Union, headquartered in Mechanicsburg, PA, on his recent election to the Board of Directors of the National Association of Federal Credit Unions,

NAFCU. Bob has been a vocal supporter of credit union issues at both the state and national levels.

Bob's election to the NAFCU board is just one more in a long list of accomplishments that has spanned more than 30 years of service in the credit union movement. Bob serves on the board of directors for both the Credit Union Campaign for Consumer Choice and the Pennsylvania Credit Union Foundation. Additionally, Bob serves on the Philadelphia Fed's Credit Union Advisory Council. Bob is a tireless advocate of the credit union movement and I am sure he will serve NAFCU, and the entire credit union community, well in his new position on the board of directors.

Under Bob's management Members 1st FCU has continued to flourish. Today, Member's 1st has 15 branches serving more than 93,000 Pennsylvanians living and working in the south central region of the State.

It is because of the good work of Bob and others like him that the credit union movement enjoys the success it has today. As the President/CEO of Members 1st, Bob has focused on ensuring his members receive helpful, personal service that caters to the needs of individual members and their financial goals. Such service is the hallmark of the credit union movement and Members 1st has exemplified that philosophy under Bob's tenure as president. I wish Bob good luck in his new role as a member of the NAFCU Board of Directors.

#### CALLING FOR THE SUSPENSION OF SUDAN'S MEMBERSHIP ON THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

SPEECH OF

#### HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 22, 2004*

Mr. RUSH. Mr. Speaker, I rise to support S. Con. Res. 137, calling for the suspension of Sudan's membership on the United Nations Commission on Human Rights. For nearly 20 months now, there have been atrocities in Darfur, Sudan. The group that have been committing these killings are called "Janjaweed." The Janjaweed are a Sudanese government sponsored militia group.

There is a creditable amount of testimony to confirm that the Sudanese government have been using the Janjaweed as an extension of their military to forcibly remove the Black Africans in Darfur from their land. The Janjaweed have been linked to brutal executions, rape, pillage and burning of villages.

Recently, the Secretary of State had no choice but to acknowledge the genocide publicly. He has returned to the UN with a new resolution calling for sanctions if Khartoum refuses to disarm militias in Darfur and to allow more African Union soldiers in to monitor.

We are aware that there are American companies with interest in Sudan but principles must come before profits.

I rise to ask all Members to join us and call for Sudan's membership on the United Nations Commission on Human Rights to be revoked and I unequivocally support this resolution.

#### A TRIBUTE TO MAJOR GENERAL TONY L. CORWIN, U.S. MARINE CORPS

#### HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. LEWIS of California. Mr. Speaker, it is with pleasure that I rise today to recognize Major General Tony L. Corwin, United States Marine Corps. Major General Corwin has served as the Legislative Assistant to the Commandant of the Marine Corps for the last five years.

Many Members of Congress and their staffs have come to know General Corwin as an exceptional spokesman for the United States Marine Corps. His straightforward approach and extensive knowledge of programs and policy have been of great benefit to the U.S. Congress, and our national security.

Through the effective communication efforts of General Corwin, the U.S. Congress has been kept fully informed of the crucial programs vital to the success of America's force-in-readiness: the United States Marine Corps. These important programs include, the Joint Strike Fighter (JSF), the V-22 program, the Expeditionary Fighting Vehicle (EFV), the KC-130J, the Maritime Prepositioned Force (Future), initial issue of gear for the individual Marine, LHD-17, LHA (R). General Corwin is thoroughly knowledgeable on all of these programs.

General Corwin has provided Congress with vital information regarding the purchase of the Blount Island Maritime Prepositioning port facility, and why it is vital to the United States' national security. As a result of his efforts, the House has agreed to provide \$115 million to acquire this property. In his role as lead liaison with the Marine Corps, General Corwin has overseen the responses to more than 25,000 congressional inquiries made to House and Senate Members. His responses have always been timely, accurate, and professional.

The Marine Corps Air-Ground Combat Center at Twentynine Palms—the Corps' largest base—is in my district, and I receive numerous requests from Marines, and their family members on a myriad of issues. General Corwin and his superb staff have helped me provide top-notch service for these defenders of our Nation.

General Corwin is known for his in-depth knowledge of the legislative issues and operational requirements of the Marine Corps. But he is also greatly respected as a dedicated leader and officer who possesses a deep and abiding passion for what it means to be a Marine. He has an unquestionable devotion to duty, impeccable integrity, absolute sound character and is a consummate professional. Through his assignment as the Legislative Assistant to the Commandant, General Corwin has served the Congress and our Nation extraordinarily well.

As Chairman of the Defense Subcommittee of the House Appropriations Committee, I have had invaluable insights and great appreciation for the caliber of General Corwin's work. He sets a high standard for others to emulate. I wish General Corwin and his wife, Thanya, and their wonderful family continued success in their future endeavors. Many thanks, General Corwin. Our Nation benefits from your outstanding leadership.



HONORING THE 50TH ANNIVERSARY OF THE CATHOLIC CHARITIES OF MONROE COUNTY

**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. DINGELL. Mr. Speaker, I rise today to pay tribute to the Catholic Charities of Monroe County in honor of its 50th anniversary.

The Catholic Charities of Monroe County, which is located in my district, began in 1952 under the leadership of Joseph O'Connor, and was incorporated into the Archdiocese of Detroit in September, 1954. Since its inception, the organization has touched many individuals with their education, health and human services programs.

In their 50 years of service, the Catholic Charities of Monroe County assisted over 142,000 individual requests. The adoption program they created in 1959 placed approximately 800 children with adoptive families. Catholic Charities started numerous counseling programs for separated families, senior citizens, and substance abuse treatment and prevention. Additionally, they helped offenders in the criminal justice system, as well as established services for runaways. Other services included the Local Migrant Program, Head Start, Early Childhood Education, and at-risk youth and adult programs. Through these various programs, one theme is steadily apparent: the Catholic Charities of Monroe County has consistently come to the aid of those most in need.

The Catholic Charities of Monroe County continues to make much needed contributions to their community, and with recent successful fundraisers will do so for many years to come. Indeed, through the dedication of this humanitarian agency, Monroe County is a better place to live and work.

Mr. Speaker, I ask that all of my colleagues join me in commending the Catholic Charities of Monroe County on providing 50 years of exemplary service to the Michigan community and in wishing them many more years of success.

INTRODUCTION OF THE SECURE DOMESTIC CONTAINER PARTNERSHIP ACT OF 2004

**HON. JUANITA MILLENDER-McDONALD**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Ms. MILLENDER-McDONALD. Mr. Speaker, I rise to ask for unanimous consent to address the House for 5 minutes.

I want to bring to the attention of this Congress, legislation that I have introduced today—The Secure Domestic Container Partnership Act of 2004.

This legislation directs the Secretary of Homeland Security to create a pilot program that encourages shipping handlers to seal empty shipping containers after they have unpacked them.

Under this pilot program, the Secretary may authorize a shipper, cargo carrier, freight forwarder, terminal operator, port authority, or labor organization that is a qualified container

handler to secure under a seal approved by the Secretary, a shipping container that is emptied by the person.

It is my strong belief that this program, when fully implemented, will do so much for securing our supply chain, reducing congestion around our ports and intermodal centers while offering our shippers the opportunity to actively participate in securing our home front, our economic supply chain, our transportation infrastructure, and most importantly our communities.

Last month in response to the 9/11 Commission Report, the Maritime and Coast Guard Subcommittee took testimony from panelists responding to the Commission's findings and directives.

A scenario, presented to our committee that characterized "cargo containers as a poor man's missile," struck me as all too real. In southern California, the ports of Long Beach and Los Angeles imported 68,000 containers a week in 2003. Combine exports and imports for 2003 and you have 125,000 containers that come in, out and through the most populous region in the country with 17 million residents and growing—and with many high risk targets. Our streets, our communities, our rail infrastructure at any time are supporting full and empty containers.

Containers are as common in southern California as lawyers are in Washington, DC. Look around you and you will know what I mean.

Now, if a container were to be compromised, empty or full, it would call into question the integrity of all containers on our highways and railways that travel along our entire transportation infrastructure and throughout our communities.

Placing a seal on an empty container is a cost effective commonsense solution that further strengthens the partnership between the shipping community and the Department of Homeland Security against the on-going war on terrorism.

Specifically, I would recommend that the Customs-Trade Partnership Against Terrorism or C-TPAT administer this program.

This initiative, under the Customs and Border Protection Directorate at the Department of Homeland Security, has a proven track record of doing great things with securing our supply line.

Through the C-TPAT initiative, Customs has been working in partnership with companies and carriers involved in importing goods into the United States.

Companies are asked to assess the vulnerabilities of their supply chains and to work with Customs to address any vulnerability.

In short, the C-TPAT initiative is the equivalent to the trusted traveler program for goods that the FAA is currently implementing for passengers.

The C-TPAT initiative would be an excellent partner and I would encourage the Secretary to take my recommendation.

Like the C-TPAT initiative, the pilot program created by enactment of The Secure Domestic Container Partnership Act of 2004 would be purely voluntary on the part of shippers.

This is a win/win for business, our transportation system, and our communities.

I ask my colleagues to strongly support the "The Secure Domestic Container Partnership Act of 2004."

HONORING THE CONGRESSIONAL CONFERENCE ON CIVIC EDUCATION

**HON. JIM GIBBONS**

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. GIBBONS. Mr. Speaker, our founding fathers knew that the vitality of our democracy was contingent on an informed and enlightened citizenry. That is why we must promote quality instruction and teacher preparation in the field of civic education.

On September 20–22 of last year the first annual Congressional Conference on Civic Education was launched. During the conference, state delegations were created to enact specific local policies designed to restore the civic mission of our schools.

I would like to recognize Judith Simpson, the facilitator of the Nevada delegation for her leadership in working to design an action plan to improve civic education in our State.

Nevada was one of six States that were awarded the \$150,000 Campaign for the Civic Mission of Schools Grant from the Carnegie and Knight Foundations. Civic education is on the move in Nevada.

I look forward to the success of the Nevada civic education delegation and its participation at the second annual Congressional Conference on Civic Education on December 4–6 of this year.

PERSONAL EXPLANATION

**HON. BRIAN BAIRD**

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. BAIRD. Mr. Chairman, on Wednesday, September 22, 2004, I was unable to participate in legislative business because I was attending the funeral of a close friend. Had I been present for legislative business on September 22, 2004, I would have voted "yea" on final passage of H.R. 5025, the Fiscal Year 2005 Transportation, Treasury and Independent Agencies Appropriations Act.

INTRODUCTION OF THE OGLALA SIOUX TRIBE ANGOSTURA IRRIGATION PROJECT REHABILITATION AND DEVELOPMENT ACT

**HON. STEPHANIE HERSETH**

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Ms. HERSETH. Mr. Speaker, today I am pleased to introduce the Oglala Sioux Tribe Angostura Irrigation Project Rehabilitation and Development Act. This legislation authorizes much-needed efficiency improvements to the irrigation facilities at the Angostura Unit, a Federal Bureau of Reclamation dam on the Cheyenne River in South Dakota. These improvements will restore critical water resources and promote economic development on the nearby Pine Ridge Indian Reservation.

This bill provides important resources to the citizens of South Dakota and the Lakota people of the Pine Ridge Indian Reservation. It

authorizes funds to carry out the Bureau of Reclamation's recommended improvements to the irrigation facilities at the Angostura dam. The dam provides substantial economic benefits to many South Dakotans. It provides irrigation to 12,218 acres of land which benefits ranchers and agricultural producers in the area, and it supports an important recreational boating and fishing industry which is enjoyed by many of our citizens.

Until now, however, the Angostura dam has failed to provide any of these economic benefits to the members of the Oglala Sioux Tribe who live just 20 miles downstream of the dam on the Pine Ridge Indian Reservation. The Oglala Sioux Tribe has long relied on the resources provided by the Cheyenne River, which forms part of the northern boundary of its reservation. Long before the dam was constructed as part of the Pick-Sloan Missouri River Basin Project, the Tribe relied on the river as an important economic resource. Since it was completed, however, the dam has taken an enormous toll on the Tribe. The dam curbed the Cheyenne River's natural flow, reducing water quality on the Reservation, diminishing natural riparian habitats, adversely impacting fish and wildlife and forcing important Tribal agricultural enterprises to shut their doors.

The bill implements the Bureau of Reclamation's preferred alternative in its revised water management plan for the Angostura Unit, which calls for improved efficiencies in irrigation operations that will free up additional water resources for both existing water users and the Tribe. In addition, the legislation would authorize the creation of a trust fund to compensate the Tribe for the devastating economic impacts and loss of natural resources caused by the operation of the dam. The fund will be used to promote economic and infrastructure development on the Pine Ridge Indian Reservation and enhance the education, health and general welfare of the Oglala Lakota people.

The bill is a companion to S. 1996, which was introduced by Senator DASCHLE on December 9, 2003 and is co-sponsored by Senators JOHNSON and INOUE. S. 1996 was recently reported favorably to the Senate by the Committee on Indian Affairs.

I hope that my distinguished colleagues will take up and pass this legislation quickly. It will allow all of us in South Dakota to better use our natural resources, while keeping our solemn commitment to deal fairly and honorably with the Oglala Sioux Tribe and the Lakota people of the Pine Ridge Indian Reservation. I ask for your help and support in moving it forward.

#### HONORING GREG RENKER

#### HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2004

Mr. PORTER. Mr. Speaker, I rise today with great pleasure to honor an individual that has been awarded the Electronic Retailing Association's (ERA) 2004 Lifetime Achievement Award. This award is given to individuals who have been instrumental in shaping the electronic retailing industry and who have elevated the significance and stature of both direct response and the association.

Mr. Greg Renker is a founding principal of Guthy-Renker, an infomercial studio that has evolved into one of the world's largest television response-driven companies. Mr. Renker is personally responsible for productions, new business development and business affairs, and, with partner Bill Guthy, supervises the overall direction of the company.

As a founder of ERA and an industry pioneer, Advertising Age magazine named Mr. Renker to its "Marketing 100" list for his achievements in the direct response television industry. In addition, Mr. Renker has been spotlighted by Fortune Magazine on its list of "America's Smartest Young Entrepreneurs" and also was honored as one of Inc.'s "Entrepreneurs of the Year." Currently, he serves as a permanent Chairman Emeritus of ERA and is active in a multitude of industry-wide initiatives.

Mr. Speaker, I congratulate Greg Renker on his successes and on his dedication to the electronic retailing industry. I know that he will continue to be a strong presence in both the industry as well as in his local community. I wish him all the best in his future endeavors and congratulate him on this well-deserved award.

#### RECOGNIZING THE ACCOMPLISHMENTS OF WOMEN ATHLETES AT THE 2004 SUMMER OLYMPICS

#### HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2004

Ms. SLAUGHTER. Mr. Speaker, I rise today to honor the amazing achievements of the women athletes at the 2004 Olympics in Athens, Greece. In particular, I want to celebrate the success of the United States Women's Soccer Team, who made us proud by winning a gold medal at the 2004 Olympics, beating Brazil 2-1 in overtime, on August 26, 2004.

Every woman on the Olympic soccer team deserves our recognition and congratulations: Shannon Boxx, Brandi Chastain, Joy Fawcett, Julie Foudy, Mia Hamm, Angela Hucles, Kristine Lilly, Kristin Luckenbill, Kate Markgraf, Heather Mitts, Heather O'Reilly, Cindy Parlow, Christie Rampone, Cat Reddick, Briana Scury, Lindsay Tarpley, Aly Wagner, and Abby Wambach.

These women have become some of the most famous athletic role models on earth. They have taught our children that if you work hard and you believe in yourself, you can accomplish anything. Indeed, these women are helping to fundamentally change perceptions about athletics. It is no surprise that our little girls look up to these strong, motivated women for inspiration. But to also see little boys wearing jerseys emblazoned with the names of their favorite women players is a wonderful sight.

The accomplishments of this generation of women athletes demonstrates the profound impact that Title IX has had on increasing opportunities in sports for women and girls. Title IX, part of the Education Amendments of 1972 requiring that public schools and colleges provide equal educational and athletic opportunities for girls and women, has unquestionably been a tremendous success. The members of the U.S. Women's Soccer team have been

tireless advocates for Title IX. Their efforts have helped the Women's Caucus and our male colleagues to preserve and strengthen this historic law.

It is important for girls to have every opportunity to succeed, especially when it comes to athletics. That is why the leadership of the Congressional Caucus for Women's Issues has introduced H.R. 4994, the High School Athletics Accountability Act. This bill will require schools to report to the Department of Education basic data on the number of female and male students in their athletic programs and the expenditures made for their sports teams. Currently high schools are not required to disclose any data on equity in sports, making it difficult for schools and parents to ensure fairness in athletics programs. Better information can help high schools and parents of schoolchildren foster fairness in athletic opportunities for girls and boys.

As a testament to the power of these women, their fan appreciation tour, which kicks off in Rochester, on September 25, sold out all 14,000 seats in just minutes. I have introduced a bill in Congress, H. Res. 373, which supports the reestablishment of the Women's United Soccer Association (WUSA). Hopefully, some day the WUSA will return, to give every amazing female soccer player the professional athletic opportunities in the United States they so deeply deserve.

Thank you to all the women Olympic athletes for transforming the lives and attitudes of today's young women, and for those of generations to come. We all know that girls who compete in sports perform better in school, are physically healthier and have a stronger self-esteem. Our girls have learned that sweat is sexy, brawn is beautiful and a little dirt never hurt anyone. You have truly given us all a whole lot more to celebrate, work hard for and dream about.

#### HONORING DEDICATION OF FRANKLIN PARKER PRESERVE

#### HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 23, 2004

Mr. FRELINGHUYSEN. Mr. Speaker, I rise today to honor the New Jersey Conservation Foundation's official dedication of the Franklin Parker Preserve—the largest, private land acquisition in our state on Friday, September 24, 2004.

The 9,400-acre Franklin Parker Preserve includes 1,500 acres of reservoirs and thousands of acres of wetland and upland forests, including 600 acres of Atlantic white cedar swamp, and serves as a critical link in connecting state-owned forests.

The Preserve has exceptional habitat for native and endangered species including bald eagle and the Pine Barrens tree frog.

The site will be named in honor of Franklin E. Parker III, the first Chair of the Pinelands Commission from 1979 to 1988, who has been a long-time supporter of environmental causes throughout the country, our state and my Congressional District.

Mr. Speaker, I urge you and my colleagues to join me in congratulating New Jersey Conservation Foundation, Franklin Parker, and so many individuals and groups that have made the Parker Preserve a reality.

## PERSONAL EXPLANATION

**HON. JAMES R. LANGEVIN**

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. LANGEVIN. Mr. Speaker, from September 9th to September 15th, I was unavoidably detained in my district due to the death of my father. I would like the record to show that, had I been present, I would have voted "yea" on rollcall vote numbers 440, 441, 442, 443, 446, 447, 448, 449, 452, 453, 454, and 456. I would have voted "no" on rollcall vote numbers 438, 439, 444, 445, 450, 451, and 455.

## PERSONAL EXPLANATION

**HON. TIM MURPHY**

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. MURPHY. Due to official business relating to the devastating damage caused by Hurricane Ivan in my Congressional District, I was not present in the chamber on Wednesday, September 22, 2004, and was regrettably unable to cast my vote on rollcall No. 461, No. 462, No. 463, No. 464, and No. 465.

Had I been present, I would have voted "no" on rollcall No. 461; "yea" on rollcall No. 462; "yea" on rollcall No. 463; "no" on rollcall No. 464; and "yea" on rollcall No. 465.

A TRIBUTE TO REV. DR. V.  
SIMPSON TURNER, SR.**HON. EDOLPHUS TOWNS**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. TOWNS. Mr. Speaker, I rise in honor of Dr. V. Simpson Turner, Sr. for the 39th anniversary of his pastoral leadership and spiritual guidance of the Mt. Carmel Baptist Church and the Brooklyn Community.

Dr. Turner earned his Bachelor's Degree at Gordon College, Wenham, Massachusetts; a Master's of Religious Education at Biblical Seminary of New York City; a Master's of Sacred Theology at New York Theological Seminary; and a Doctor of Ministry degree from Drew University School of Theology in Administration. He is married to Laura B. Turner, an outstanding educator and a New York State Certified Secondary School Principal. They have two children: Reverend Vivian R. Pittman and Reverend V. Simpson Turner, Jr., both of whom are ordained ministers at the Mt. Carmel Baptist Church; son-in-law, Deacon/Trustee Jerald Pittman; daughter-in-law, Lady Selena Turner; grandchildren, Kenya and Nathan Botley, Jerald Ali Pittman, Joelle Pittman, V. Simpson Turner III and Seteena Eliza Laura Turner; and great grandchildren, Rasaun Botley and Vivian Botley.

Dr. Turner has been active in numerous civic and charitable organizations. He has served on the Board of Trustees for Gordon College, the Baptist Home for the Elderly, the Brooklyn Public Library, and Baptist Medical Center. He has served as the Chairman of the

Department of Communications for the Council of Churches in New York City and as a former president of the North American Baptist Fellowship of the Baptist World Alliance and the Baptist Minister's Conference of Greater New York. He was also a former member of the Board of Directors for Religion in American Life, a former member of the Brooklyn Borough President's Community Board #3, and was elected to the Board of Directors of the New York Bible Society in New York City in 1990. More recently, in June 2002, Dr. Turner was elected Secretary of the 7,000 members Hampton University Minister's Conference. Finally, he was an Adjunct Professor on Urban Concerns at Alliance Theological Seminary in New York.

For his efforts, Dr. Turner has been honored by many community groups including the City of New York; the Bureau of Child Welfare; the United Builders Association; the Boy Scouts of America; and the YMCA. The Governor of New York appointed him to the New York State Commission on Health Education and Illness Prevention. In 1990, Dr. Turner was appointed Chairman of the Billy Graham Crusade in New York City where the Great Lawn in Central Park held the largest crowd ever to attend a Billy Graham meeting in North America. Also, in the spring of 1990, as editor of the Baptist Progress, Dr. Turner received the Martin Luther King, Jr. Award for meritorious service in writing.

Dr. Turner produces and directs a weekly radio show known as "The Black Religious Experience" as well as a public affairs Cable TV program known as "The Public Wants To Know." He is the author of "Compassion for the City," which is used throughout the country as a textbook for those going into urban ministry. Dr. Turner has been instrumental in implementing several important community programs and resources such as a Homework Center, a High School Equivalency Program, a referral service to New York City Technical College, a Senior Services and handicapped Bus Ministry, a Radio Ministry, a Shut-In and Outreach Ministry, a Carillons Ministry, a "Sing, Spell, Read and Write" Educational Ministry, and a Soup Kitchen Ministry. Several college graduates began their college careers at Mt. Carmel as part of the then NYC Community College extension, which Dr. Turner helped to operate.

On January 4, 2004, Dr. Turner celebrated his 39th Anniversary as Pastor of Mt. Carmel Baptist Church in Brooklyn, New York. He had a vision to combine his church and an apartment building into a Church and Educational complex. In the spring of 1993, Dr. Turner realized his vision of building affordable housing. Today, the 78 units, known as the Mt. Carmel Town Houses are occupied by new homeowners.

Mr. Speaker, Dr. V. Simpson Turner, Sr. has been a tireless advocate for his community and a spiritual leader for 39 years at Mt. Carmel Baptist Church. As such, he is more than worthy of receiving our recognition today and I urge my colleagues to join me in honoring this truly remarkable person.

## NEBRASKA'S LEADERSHIP IN DESIGNING A PLAN TO IMPROVE CIVIC EDUCATION

**HON. TOM OSBORNE**

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. OSBORNE. Mr. Speaker, we should be very proud of our constitutional heritage, and feel comforted by the fact that we live in the world's oldest constitutional democracy. We celebrate Constitution Week knowing that the principles of a free democracy are emulated by nations throughout the world. It is extremely important that our young people understand and appreciate the time-honored principles that the U.S. Constitution, the Declaration of Independence, and other documents embody. For this reason, effective instruction in civics and government in our schools is necessary.

Last year, the first Congressional Conference on Civic Education was held. One of the positive outcomes of this conference was the establishment of state delegations to return to the state to enact specific policies designed to restore the civic mission of our schools. I would like to recognize Nebraska's delegation for their leadership in working to design a plan to improve civic education in our state.

Nebraska's plan will result in the formation of the Civics Nebraska Partnership, a coalition of educators, public officials, agencies, and organizations committed to improving the level of civic learning in our state. Initially, Civics Nebraska will measure civic aptitude and attitudes of Nebraskans and provide a clearinghouse of resources for classroom teachers. It is hoped that the partnership will help bridge the gap that sometimes exists between the education and government sectors when it comes to civics education.

I look forward to the success of Civics Nebraska and want to recognize the efforts of those who are working hard to improve civics and government education.

## RECOGNIZING OLYMPIAN MELISSA MORRISON

**HON. ROBIN HAYES**

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. HAYES. Mr. Speaker, I rise today to honor Kannapolis, North Carolina native Melissa Morrison. I want to congratulate Melissa for her Bronze medal in the 100 meter hurdles at the 2004 Athens Olympics.

Melissa started running track in the seventh grade because a cousin, April Graham, made it look easy and fun. A few short years later Melissa was running track for A.L. Brown High School, and collecting four state titles in the process. She next attended Appalachian State University earning a Bachelor of Science degree in Psychology, and receiving All-American honors in both the 55 and 100 meter hurdles.

Melissa's first Olympic experience was at the 2000 Sydney, Australia games. In Sydney, Melissa was the only American woman to win a medal in the 100 meter hurdles, winning

bronze with a time of 12.76 seconds in the final. With her Athens repeat this year, Melissa became the only two-time American medalist in the 100 meter hurdles.

In the last couple of years Melissa has fought through serious adversity, including nagging injuries and personal tragedy. However, through unyielding determination and support from her loved ones, she never gave up. In the race where Melissa captured her second Olympic medal, she exemplified her never quit attitude. Melissa collided with two hurdles but continued to fight on. In fact, she addressed these hardships and gave us insight to her strong character by saying, "Mental strength got me through there and got me a bronze medal again this year."

Mr. Speaker, while I have only touched on a fraction of her accomplishments, I proudly join her friends, family, and teammates in congratulating Melissa's outstanding athletic achievements. I wish Melissa continued success both on and off the track, and would also like to congratulate her on the forthcoming marriage to fiancé Josephus Howard.

PAYING TRIBUTE TO LEE ELWOOD GILLIS

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Lee Elwood Gillis and thank him for his exceptional contributions to his community and the State of Colorado as the District 63 representative to the Colorado House of Representatives. A representative since 1981, Lee is a dedicated public servant and leader in his community and I am honored to recognize his accomplishments before this body of Congress and this Nation today.

Lee was born in Texas and graduated with a bachelor's degree in business from West Texas State University before going on to serve in the Texas National Guard and the U.S. Army Rangers. He is a member of the National Federation of Independent Business and Director of the Heritage Savings and Loan from 1977 to the present. Lee began his public service career in 1980, when he was elected to the Colorado House of Representatives and subsequently reelected in 1982, 1984, 1986, 1988, and 1990. Serving the people of Baca, Bent, and Otero County in District 63, Lee has long been an advocate of lowering property taxes on agricultural land, and establish an economic development office in Southeast Colorado. He served on the Game, Fish & Parks, Education, Appropriations, House Services, and Joint Budget Committees during his legislative career.

Mr. Speaker, it is clear that Lee Elwood Gillis has ceaselessly dedicated his time and efforts to serving his country and the people of Colorado as a State Representative. I am honored to bring his hard work and commitment to the attention of this body of Congress and this nation today. Thank you for all your service, Lee, and I wish you all the best in your future endeavors.

CALLING FOR THE SUSPENSION OF SUDAN'S MEMBERSHIP ON THE UNITED NATIONS COMMISSION ON HUMAN RIGHTS

SPEECH OF

**HON. MARTIN T. MEEHAN**

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 22, 2004*

Mr. MEEHAN. Mr. Speaker, I rise today in strong support of Senate Concurrent Resolution 137.

The human rights violations in Darfur are reaching a crisis point. Since the beginning of the conflict in early 2003, more than 30,000 innocent civilians have been murdered, more than 400 villages have been destroyed, and hundreds of thousands of people have been displaced from their homes.

Tragically, the situation in Darfur has escalated from a rebellion by local militias into a full-scale ethnic cleansing campaign. The government in Khartoum has met this crisis with deliberate neglect at best, and direct support at worst. Congress rightly called this brutal and systematic slaughter a "genocide" in a resolution passed on July 22.

On July 30th, the United Nations Security Council unanimously adopted a resolution calling upon the Sudanese government to immediately fulfill its obligations to facilitate humanitarian relief, take steps to disarm the Janjaweed militias, and cooperate with an independent investigation of human rights violations in Darfur. However, it is time for the international community to make its authority felt through actions, not just words.

The Universal Declaration of Human Rights binds member nations together in a pact to uphold universal respect for and observance of human rights and fundamental freedoms. The Government of Sudan has broken this pledge and must be held accountable for its crime against humanity. I therefore urge Congress to call for the immediate suspension of Sudan from the United Nations Commission on Human Rights and pass Senate Concurrent Resolution 137.

IN HONOR OF DR. TREENA LIVINGSTON ARINZEH

**HON. ROBERT MENENDEZ**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. MENENDEZ. Mr. Speaker, I rise today to honor Dr. Treena Livingston Arinze for her outstanding work in the field of stem cell research. On September 9, 2003, President Bush presented her with the Presidential Early Career Award for Scientists and Engineers.

Dedicated to researching stem cells, Dr. Arinze has made revolutionary findings that may lead to procedures that help people recover from a variety of diseases, spinal cord injuries, and bone and cartilage damage. Dr. Arinze has earned the respect of her colleagues and established herself as a scientist by publishing influential papers in the *Journal of Biomedical Materials Research* and the *Journal of Bone and Joint Surgery*.

The Presidential Early Career Award for Scientists and Engineers is the highest honor a

young researcher can receive. Since 1996, the White House has acknowledged the achievements of such talented professionals. Each year, eight federal agencies nominate promising researchers and the winners receive up to five years of funding for their future work. The sole recipient from New Jersey, Dr. Arinze received a \$400,000 grant from the National Science Foundation.

Born and raised in Jersey City, Dr. Arinze is currently a professor of biomedical engineering at the New Jersey Institute of Technology in Newark. In addition to her research projects, Dr. Arinze devotes her time to developing new undergraduate and graduate programs in tissue engineering, as well as creating community outreach programs for high school students in New Jersey and New York.

Today, I ask my colleagues to join me in honoring Dr. Treena Livingston Arinze, a trailblazer in the field of stem cell research. I applaud her for her exceptional achievements. New Jersey and our nation will greatly benefit from her groundbreaking work.

PAYING TRIBUTE TO CARL BLEDSOE

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Carl Bledsoe and thank him for his exceptional contributions to his community and the State of Colorado as the Speaker of the Colorado House of Representatives. A state representative since 1973, Carl is a dedicated public servant and leader in his community and I am honored to recognize his service before this body of Congress and this Nation today.

A resident of Aroya, Colorado, Carl graduated from Kit Carson High School in 1941 and served in the U.S. Army Air Corp from 1942 to 1945. He later earned a bachelor's degree in animal husbandry from Colorado State University. Carl began his impressive thirty-two year public service career in 1958 as secretary of the Lincoln County Stockmen's Association. He served 12 years on the Kit Carson Board of Education, including two years as President. Carl was the President of Cheyenne County Farm Bureau from 1962 to 1964, and the Colorado Cattlemen's Association in 1967. He has also served as a member of various organizations like the National Western Stock Show Association, the Colorado Housing Inc, Board, the Colorado State Board of Veterinary Medicine and the Colorado State Fiscal Policy Committee.

Carl was elected to the State House of Representatives in 1972 becoming the third member of his family to serve in the Colorado General Assembly. During his seventeen years as a legislator, Carl chaired the House Committee on Finance, the Legislative Audit Committee, the Western Region of the Council of State Governments, and was the vice-chairman of the International Trade Committee of the National Conference of State Legislatures and most recently Speaker of the House for the last five years. During his seventeen years of service he received many awards such as the Outstanding Rural Legislator of the Year, and the American Legislative Exchange Conference's Outstanding State Legislator award.

Mr. Speaker, it is clear that Speaker Bledsoe has ceaselessly dedicated his time and efforts to serving his country and the people of Colorado as the Speaker of the House in the Colorado House of Representatives. I am honored to bring his hard work and commitment to the attention of this body of Congress and this nation today. Thank you for all your service, Carl, and I wish you all the best in your future endeavors.

**FORMER U.S. CONGRESSMEN'S  
MONITORING DELEGATION TO  
UKRAINE JULY REPORT—EXECUTIVE  
SUMMARY**

**HON. MARCY KAPTUR**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Ms. KAPTUR. Mr. Speaker, I am submitting the following article for the RECORD.

Significant irregularities and improprieties have been found in the on-going presidential campaign in Ukraine by an election monitoring delegation of former Members of Congress in the Kharkiv, Poltava, and Sumy oblasts.

Five former U.S. Congressmen—John Conlan (R-AZ), Arlen Erdahl (R-MN), Jack Hightower (D-TX), Gregory Laughlin (R-TX), Andrew Maguire (D-NJ), and Tom Sawyer (D-OH)—traveled to Ukraine on July 25–31, 2004 to monitor presidential election campaign activities in the region. The communities visited were: Kupiansk, Merefa, and Vovchansk in the Kharkiv oblast; Chutove, Dykanka and Karlivka in the Poltava oblast; and Lebedyn, Okhtyrka and Trostianets in the Sumy oblast. These former congressmen were registered by the Central Election Commission (CEC) of Ukraine and accorded all the rights and privileges provided to foreign observers by Ukraine's law on presidential elections.

Ukraine is a signatory of the Organization for Security and Cooperation in Europe (OSCE) and therefore welcomes international observers to help secure a free and fair election. The congressmen's election monitoring activities included meetings with representatives of the main political parties, Ukrainian government officials, Central Election Committee, and U.S. officials in Kyiv. In the regions, the congressmen met with local government officials, representatives of NGOs, political parties, the media, and citizens, who shared their views and experiences of the political process in their respective communities.

**KEY FINDINGS OF THE FIRST DELEGATION TO  
THE KHARKIV, POLTAVA, AND SUMY OBLASTS**

Generally, in the communities visited, local officials were very cooperative and generously shared their time and opinions with the delegation. Local officials provided space for meetings and assisted in extending invitations to representatives of political parties, media, and NGOs to meet with the delegation. The delegation does note, however, that there were occasions when opposition parties were not informed of the meetings and, thus, were denied an opportunity to express their views and have their respective cases heard.

In conversations with participants in the meetings attended and in conversations with ordinary Ukrainian citizens, the delegation was appalled to find that an overwhelming number do not expect the outcome of the election to be fairly decided. Those that hold this view often reply that the outcome has

already been determined and that the vote count will support that determination. Independent polls verify that around 70 percent of the population believes this. That reinforces the view that every effort must be made by observers to ensure that the vote count is accurate and fair.

While the delegation cannot investigate the allegations made, it does note with deep concern the repeated allegations of the systematic use of the government's administrative resources to bring pressure upon voters to support the candidate endorsed by government authorities. These reports are too numerous, consistent, and from too many different locations to be set aside; in fact they appear to the delegation to constitute a pattern of officially sanctioned political activity by government employees that is in violation of Ukraine's law on presidential elections.

The delegation is very concerned about these reports and appeals to the Ukrainian government to ensure that all local government officials strictly adhere to the law. Allegations include: threats regarding loss of jobs predominate; police preventing buses and automobiles from traveling to opposition rallies; forcing government workers, teachers, and hospital workers to sign petitions for pro-government candidate, Viktor Yanukovych; forcing regional councils to pass resolutions in support of Yanukovych; teachers and agricultural workers given quotas to collect signatures for Yanukovych, under threat to lose vacation time or jobs; students pressured to distribute Yanukovych literature; even patients have been threatened with discharge from hospitals and denial of medical services if they fail to sign and pledge to vote for Yanukovych.

In every community the delegation visited, they were greeted with hope and anticipation of a brighter tomorrow. They welcomed contact with the wider world and were anxious to host foreign visitors to show off their country and its potential. They deserve an opportunity to go to the polls and freely express their views and to be secure in the knowledge that all their votes are counted accurately in accordance with the law of Ukraine.

The delegation is a fact-finding mission and will report its findings to Ukraine's Central Election Commission, the U.S. Government, European governments, international organizations and the public through release to the mass media. The delegation does not support any candidate or political party and is only interested in helping ensure that the presidential election is free and fair.

Programming is organized by the U.S.–Ukraine Foundation (USUF), in partnership with the U.S. Association of Former Members of Congress (USAFMC) and is funded by the United States Agency for International Development (USAID).

The Foundation's second delegation traveled in August to the Cherkasy, Kyiv, and Kirovohrad oblasts and also included parliamentarians from Spain and the Netherlands. The third delegation, comprised of congressmen and a former member of the German Bundestag, traveled to the Kherson region during the week of September 19–25, 2004 to observe election campaign activities in the Kherson, Mykolayiv, and Zaporizhzhya oblasts.

**PAYING TRIBUTE TO MICHELLE  
LAWRENCE**

**HON. SCOTT MCINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Michelle Lawrence and thank her for her exceptional contributions to her community and the State of Colorado as a Jefferson County Commissioner. A two term commissioner, Michelle is a dedicated public servant and leader in her community, and I am honored to recognize her accomplishments before this body of Congress and this Nation today.

Michelle is a Colorado native who has lived most of her life in Jefferson County. She is the co-owner of a Jefferson county business that had been in her family for over 48 years. Michelle served in the Colorado legislature from 1990 to 1994, and is a former member of the board of directors of the Arvada Chamber of Commerce. She has been active in several local community organizations such as the Arvada Historical Society and the Arvada center for the Arts & Humanities and as a member of the Jeffco Transportation Task Force.

After leaving the General Assembly, Michelle continued her exemplary public service record by serving as a Jefferson County commissioner. Currently she is the Chairman of the Board of Commissioners and the Law Enforcement Authority Board. She also represents the county on the Rocky Flats Coalition of Local Governments and the Urban Drainage and Flood Control District Board. Michelle has been appointed as an alternate to the Denver Regional Council of Governments, the Jefferson Economic Council, and most recently the Intergovernmental Affairs Steering Committee.

Mr. Speaker, it is clear that Michelle Lawrence has ceaselessly dedicated her time and efforts to serving her country and the people of Colorado as a Commissioner for Jefferson County. I am honored to bring her hard work and commitment to the attention of this body of Congress and this nation today. Thank you for all your service, Michelle, and I wish you all the best in your future endeavors.

**HONORING THE BROOKSVILLE  
EMERGENCY RESPONSE TEAM  
(BERT)**

**HON. GINNY BROWN-WAITE**

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I rise to honor the members of the Brooksville Emergency Response Team, also known as BERT.

In the wake of Hurricane Charley's devastating visit to Florida, these remarkable individuals answered the call of duty. On the morning of August 14, 2004 at 6:45 a.m. these BERT operatives sprung into action and began to rebuild areas of the Fifth Congressional District left in shambles. Because of their efforts, the communities of Poinciana, Calooso, Lake Village, Lake Wales, Bascon,

Highland Park, Frostproof, and Lake Hamilton received relief at a critical time of need. The BERT team worked to reconstruct Poinciana's fire department and assisted with firefighting duties for the community. In addition, the team worked on debris clean-up, directed traffic, and assisted in damage assessment activities throughout the area. In the end, the BERT team accomplishments included 336 work hours removing trees from residences and roadways; 14 hours traffic control; and deliveries of 1,250 bags of ice, 450 cases of water and 150 prepared meals to hungry citizens.

I would like to express my gratitude for the BERT team's service. Their actions demonstrated the dedication, selflessness, and sacrifice of the human spirit that emerges from rubble of Mother Nature's fury. I am proud to represent the Fifth Congressional District of Florida, where members of the heroic Brooksville Emergency Response Team call home.

PAYING TRIBUTE TO FRANCES  
OWENS

**HON. SCOTT MCINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. MCINNIS. Mr. Speaker, I rise today to pay tribute to the First Lady of Colorado, Frances Owens. Frances is a compassionate and intelligent woman whose dedication and commitment to her family and fellow citizens is renowned and unprecedented. Long before she became Colorado's First Lady, Frances was an education advocate for children and a dedicated servant to her fellow Coloradans. I am honored to stand before this body of Congress and this nation to recognize her many accomplishments.

Frances is a Colorado native, spending her childhood in Texas before returning to Colorado to receive a degree in Art History from the University of Colorado at Denver. She began campaigning for former Senator Bill Armstrong in the late 1970's and served as the Associate Director of the Colorado Council on Economic Education. Frances, who is married to current Governor Bill Owens for twenty-nine years, has three children: Monica, Mark, and Brett. She is actively involved in her children's academic careers.

On January 12, 1999, Frances became the First Lady of Colorado, where she has made important strides for Colorado in public service by actively volunteering her time to various charitable projects and organizations throughout the state and by serving on boards such as the Children's Hospital Cardiac Care Center, and the Colorado Opera. Frances is a dedicated advocate for children; her involvement crosses into many arenas, including support of Recording for the Blind and Dyslexic, Samaritan's Purse-Operation Christmas Child, Make-A-Wish Foundation, and the Colorado Historical Society. Frances currently serves as the Honorary Chair for Early Childhood Intervention Awareness Day, where she continues to champion important issues for Colorado's children. Frances widely promotes literacy and children's programs like the annual Easter Egg Roll. Her latest honor, given by the Republican Women Leadership Forum, was their Humanitarian Award for civic involvement.

Colorado's First Lady is involved in many long-term projects that promote the great diversity and vibrant culture of Colorado. She chairs the Colorado Commemorative Quarter Advisory Commission for the design of Colorado's new quarter, which is planned for release in 2006. Frances has also been instrumental in the privately funded renovation and restoration efforts of the Executive Residence, which was originally constructed in 1908.

Mr. Speaker, Frances Owens is a tremendous asset to the State of Colorado. Her impeccable record of dedication and service throughout her life is a high standard for any public servant to match. Frances' devotion to the State of Colorado has advanced Colorado and certainly made it a better place to live and raise a family. I want to thank Frances for all of her hard work, and I wish her all the best in her future endeavors.

TRIBUTE TO ROY BRAUNSTEIN,  
LEGISLATIVE DIRECTOR OF THE  
AMERICAN POSTAL WORKERS  
UNION, AFL-CIO

**HON. CAROLYN B. MALONEY**

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to my friend, Roy Braunstein, Legislative Director of the American Postal Workers Union (APWU).

Roy was hired in June 1973 with the United States Postal Service, and worked as both a Distribution Clerk and CMU Clerk during his postal career. He will retire on November 6, 2004.

The APWU has more than 300,000 members in every city, town and hamlet in the United States and is the world's largest postal union. Roy was first elected in 1980 as the APWU Legislative Aide, and was elected Legislative Director in 1992. He was elected nine times by the APWU membership.

Before he came to Washington, D.C. in 1960, Roy was active in the New Jersey Shore Area Local where he served as Legislative Director and Shop Steward. He was also the New Jersey State APWU Legislative Director and Editor. He served in community affairs as a member of the Barnegat, New Jersey Board of Education for three years and as a member of the Ocean County New Jersey Mental Health Board.

In Washington, Roy served as a lobbyist for the APWU and has worked on a number of issues important to the membership. During his tenure at the APWU, Roy worked to secure passage of the Hatch Act, legislation granting greater political freedom for postal and federal employees. Roy also played a key role in the eight year battle for the Family and Medical Leave Act which President Clinton signed into law in 1993.

Over the years, Roy worked diligently to help win passage of the Federal Employees Retirement System Act, the Spouse Equity Act, the Postal Employees Safety Enhancement Act, the Veterans Employment Opportunity Act, and many other legislative initiatives to help working families.

Roy fought to protect the viability of the Postal Service. He was a leader in the fight against Postal Privatization, and the move-

ment to take the Postal Service off-budget during the 1960s in an effort to stop congressional attacks on the Postal Service. APWU is an affiliate of the AFL-CIO, and Roy worked closely with other labor leaders for the goals of this nation's working men and women.

Roy's wife of 36 years, Marilyn, is also an APWU member, and they are the proud parents of two young men, Rick and Daniel. He has an A.A. Degree from Kinsborough Community College in Brooklyn, New York, and a B.A. Degree from Richmond College in Staten Island, New York.

Roy will be retiring to the Phoenix, Arizona area where his sons are living. He plans to retain full APWU membership, and to become actively involved with the Phoenix Metro Area Local (Arizona) and the Arizona Postal Workers Union relating to legislative issues. He also will be spending time traveling and relaxing with family and friends.

HONORING LATE REPRESENTATIVE  
WILLIAM NATCHER

**HON. RON LEWIS**

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. LEWIS of Kentucky. Mr. Speaker, I rise today to pay public tribute to a remarkable man of this House, the late William Huston Natcher, on the occasion of The Kentucky Museum and Library's opening of the William H. Natcher Political Collection, a compilation of artifacts from his storied life and career.

Congressman Natcher served in this body, preceding me as representative of the Second District of Kentucky, from August 1, 1953 until his death on March 29, 1994, having cast an astonishing 18,401 consecutive votes, a record most historians believe will never be matched. Through the years, he earned a reputation as an exceptionally hardworking and honest public servant, becoming one of the most highly-respected and influential members of congress in recent memory.

As years passed and his congressional seniority increased, Natcher received several important committee appointments, namely within the powerful House Appropriations Committee. From 1961 to 1979, he chaired the Appropriations District of Columbia subcommittee, exercising control over spending in the Nation's capital. He later moved on to chair the subcommittee on labor, health and human services, influencing major legislation to advance education and promote public welfare throughout the 1980's. He was elected Chairman of the full House Appropriations Committee in 1992, a position he held until his death in 1994.

Congressman Natcher became a legend not only for his effectiveness as a legislator but for his uncompromising dedication to the responsibilities of public service. Not only did he cast an unbroken chain of roll call votes over a 41-year career, he also exercised a sincere reverence for the opinions of his constituents, personally reading and responding to his own mail. Though he attained a position of national influence, he maintained a modest, responsible lifestyle, never accepting political contributions, driving himself to and from work in his aged Chevrolet. He was a model citizen-legislator worthy of an honored place in our Nation's history.



After several years of processing, the William H. Natcher Political Collection will open to the public Friday, October 1, 2004, at the Kentucky Library and Museum on the campus of Western Kentucky University. The collection will display volumes of correspondences, photographs, awards and memorabilia, accumulated throughout Congressman Natcher's distinguished life and career.

I would like to extend the collective gratitude of the U.S. House of Representatives to the Natcher Family and Western Kentucky University for assembling a collection that will allow future generations to appreciate and learn from Congressman Natcher's exceptional life.

#### PAYING TRIBUTE TO PETE LARSON

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise to mourn the death of Pete Larson, who was killed in an all-terrain-vehicle accident while conducting land health assessments for the Bureau of Land Management near Grand Junction, Colorado. Pete was an active, enthusiastic individual, who loved his job and was a loyal friend to Colorado's Western Slope. I am honored to stand here today before this body of Congress and this nation to celebrate his life and recognize his many accomplishments.

Pete married Rita Graham in 1966, and they raised their family in Grand Junction, where Pete was very active in the community. He taught science for twenty-nine years at Grand Junction High School where his natural curiosity and wide-ranging interests allowed him to connect with students of every personality. His students recall his enthusiasm for explaining chemistry, physics, biology and botany to generations of Grand Junction students.

Pete was always ready to help a friend or a stranger and willingly shared his knowledge of the environment. He knew its plants and its animal inhabitants, its soils and its water, its weather and its moods. Pete's love of the land and the people of Mesa County led him to continue his service to others as he worked to combat tamarisk while working at the Colorado National Monument. He was instrumental in creating the Tamarisk Coalition and served on their board of directors. After ten years of dedication to the National Park Service, Pete took a job as a biological technician for the Bureau of Land Management (BLM) field office in Grand Junction where he worked for three years before his unfortunate accident on August 2, 2004.

Mr. Speaker, I am honored to call the attention of this body of Congress to the life of Pete Larson. He always had a bright outlook on life and his curiosity and love of learning inspired those who knew him. The Grand Junction community and the State of Colorado are a better place as the result of his many contributions. Pete was a great man who dedicated his life to helping others, and I know that he will be sorely missed. My thoughts and prayers go out to his wife Rita, his two daughters Kristen Kasel and Kari Larson, and his son Tor Larson at this difficult time of bereavement.

#### TRIBUTE TO THE 100TH ANNIVERSARY OF THE STOUGHTON HOSPITAL

**HON. TAMMY BALDWIN**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Ms. BALDWIN. Mr. Speaker, I rise today to honor the 100th anniversary of the Stoughton Hospital located in Stoughton, Wisconsin. Since 1904, Stoughton Hospital has provided high quality individual healthcare to the people of Stoughton and the surrounding communities.

Stoughton Hospital was founded by Dr. Michael Iverson in 1904 as the Stoughton Surgical Hospital. The hospital was purchased by the city in 1924 upon Dr. Iverson's retirement. Over the years, the hospital has seen many renovations and improvements, but Stoughton Hospital's core values have remained the same. The Norwegian born and educated Dr. Iverson was committed to a small hospital that offered personalized care to each of its patients. Today, a century later, Stoughton Hospital is still firmly committed to that same philosophy.

The hospital offers a variety of services to the community in its facility that include an urgent care complex, intensive care unit, medical and surgical inpatient units and both outpatient surgery and rehabilitation facilities. At Stoughton Hospital, state-of-the-art care is provided for each patient. In addition to providing care for community members, the hospital also meets the needs of the community by offering community education courses and service programs.

Today, I proudly join the Stoughton Hospital staff and volunteers, residents of Stoughton and the surrounding communities in celebrating Stoughton Hospital's 100 years of quality healthcare and personalized service.

#### PERSONAL EXPLANATION

**HON. LUIS V. GUTIERREZ**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. GUTIERREZ. Mr. Speaker, on September 13, 2004, and September 21, 2004, I was unavoidably absent from this Chamber. I would like the RECORD to show that, had I been present, I would have voted "yea" on rollcall votes 441, 442, 443, 457, 458, 459, and 460.

#### PAYING TRIBUTE TO BOB NERO

**HON. SCOTT McINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. McINNIS. Mr. Speaker, it is with a heavy heart that I rise to mourn the passing of Bob Nero from my home state of Colorado. Bob, who recently retired as the head of Public Relations for the University of Colorado system, passed away at the age of fifty-nine after battling pancreatic cancer. He was known for his fun-loving nature, excellent wit,

and abiding sense of professionalism. As his family and friends mourn this loss, I believe it is appropriate to remember Bob and pay tribute to him for his contributions to the state of Colorado.

Bob worked for the University of Colorado for nineteen years, most recently as the Assistant Vice President of Institutional Relations. He was an effective and professional communicator who passionately worked to build an understanding of the University of Colorado's mission and its educational contributions to the state.

However, Bob's legacy reaches far beyond the University of Colorado. He was a multi-talented individual who had a diverse career working as a consultant to the cast of *The Lives of the Rich and Famous* in Europe; as an assistant editor in the reference book division of Thomas Y. Crowell Publishing Company; and as the West Coast Bureau chief for the New York Herald. Earlier in his career, Bob served as an oral historian at the American Film Institute and was the Director of Communications at UCLA's Graduate School of Management.

Mr. Speaker, we are all terribly saddened by the loss of Bob Nero, though take comfort in the knowledge that our grief is overshadowed only by the legacy of dedication that Bob has left with us. I am honored to pay tribute to such a devoted public servant, one who has given many years in service to the state of Colorado. I know that many throughout our state who had the chance to benefit from his experience and dedication will miss Bob Nero. My thoughts and prayers go out to his family during this time of bereavement.

#### TRIBUTE TO REPRESENTATIVE LINDY BOGGS

**HON. JOHN B. LARSON**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. LARSON of Connecticut. Mr. Speaker, I rise today to congratulate the former Representative and Ambassador Corrine Claiborne "Lindy" Boggs on the acceptance of her portrait into the House collection. While I did not have the pleasure of serving with Lindy Boggs, I am a great admirer of hers. Her Southern charm is infamous. Her legislative and political knowledge is vast. As a champion of education, women's issues, and civil rights, her accomplishments are many and need not be enumerated. Indeed, it is impossible not to admire, to like, and to respect Lindy Boggs, as we are all beneficiaries of her advocacy.

However, I do want to highlight that she shared my commitment to this institution and a love of history. Lindy Boggs believed that a recorded history was important and helped Americans understand the institution of Congress and the House. She successfully worked to establish the Office of the Historian in the House, which was created to collect, preserve, and interpret the documents of the House for Congress, the public and the press. In addition, she chaired the Joint Committee on Bicentennial Arrangements. It is also noteworthy that she served on my Committee, the Committee on House Administration, before taking a seat on the Committee on Appropriations.

As an ex-officio member of the House Fine Arts Board, which serves as the clearinghouse for donations of House-related works of art, furniture and artifacts, I am pleased to support the acceptance of the portrait of Lindy Boggs by the House. I would also like to acknowledge Jan Schoonmaker and his efforts with the Lindy Boggs Portrait Committee in making this project a reality. This House has previously recognized the many contributions of Mrs. Boggs by naming a room in the Capitol in honor of her, and I think it is only fitting that the portrait will be hung in The Corrine Clairborne Boggs Room.

Therefore, I urge my colleagues to join me in congratulating former Representative and Ambassador Lindy Boggs on her receipt of this honor.

#### REGARDING CARY MEDICAL CENTER

### HON. MICHAEL H. MICHAUD

OF MAINE

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. MICHAUD. Mr. Speaker, I rise today to congratulate the Cary Medical Center not only for 80 years of community health care services to Aroostook County but for receiving the National Job Corps Association's 2004 Alpha Award in the Community Category.

The Cary Medical Center has played a unique and integral role in providing health services to the communities in Northern Maine. The Cary Medical Center offers a variety of excellent services to the people of Aroostook County. Its dietary department is one of the best in the country. Cary also has established itself as a leader in Community Health Education and Disease Prevention programs.

The Cary Medical Center also has superior veterans' services. The VA outpatient clinic was the first facility of its type in the nation, providing outpatient medical care for Aroostook veterans since 1987. It has over 6,000 patient visits per year.

The Cary Medical Center has been recognized by many organizations for its excellent service. In 1998, Cary Medical Center earned Accreditation with Commendation from the Joint Commission on Accreditation of Health Care Organizations, the highest rating attainable, placing Cary among the top 15 percent of hospitals in the nation in reference to nationally established guidelines on quality patient care.

More recently, the Center received the National Job Corps Association's 2004 Alpha Award in the Community Category. This is an extraordinary achievement: Cary Medical Center will be one of 6 winners out of 107 national nominations. The Alfa Award is given to individuals, organizations and employers who are dedicated to helping Job Corps students. CMC manages the Certified Nurses Assistant program for the Loring Job Corps. The hospital provides both classroom and clinical instruction for students who select the vocation.

Beyond excellent programs and the highest honors, perhaps the greatest achievement of all is the duration of service CMC has given to the community of Aroostook County. 80 years is a very long time to be serving people, and Northern Maine is surely a better place be-

cause of their contributions. I thank them for their dedication and service to the people of Maine, and commend them for this most recent award.

#### PAYING TRIBUTE TO DON SHEPPARD

### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. McINNIS. Mr. Speaker, I rise today to pay tribute to Don Sheppard, a dedicated Colorado State Patrol Officer from Cortez, Colorado who recently retired after twenty-one years of service to the people of my state. His hard work and love for protecting his community over the years serves as a shining example of the character of our nation's law enforcement officers. It is my privilege to stand before this body of Congress and this nation today to recognize the career of Don Sheppard.

Don has compiled an impressive record in helping others. During Vietnam, he served in the U.S. Air Force as a communications specialist working with computers and cryptography. In 1979, he joined the Montezuma County Sheriff's office and then the Dolores County Sheriff's office. He attended the Colorado State Patrol Academy in 1983, and upon completion was assigned to the Cortez office of Troop 5A where he has served for twenty-one years.

Don has received many accolades throughout his law enforcement career for his professional and courteous service. He was an active, hard working officer who was responsible for removing more drunk drivers from the roads than any other trooper in 5A. He still holds the DUI arrest record for his area, ninety-one in a single year.

Mr. Speaker, Don Sheppard has dedicated his career to ensuring the safety and well being of Colorado citizens. His presence in the continuing efforts to fight drunk driving are especially commendable given that he has taken time away from his family and friends to face uncertain danger and unpredictable consequences. I am honored to stand here before this body and recognize the efforts of such an industrious public servant who will be sorely missed in Colorado. Good luck in your retirement Don, and I wish you all the best in your future endeavors.

#### A TRIBUTE IN HONOR OF NORTHWEST COMMUNITY SCHOOL DISTRICT AS IT CELEBRATES THE 50TH ANNIVERSARY OF ITS FOUNDING IN JACKSON, MICHIGAN

### HON. NICK SMITH

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. SMITH of Michigan. Mr. Speaker, I rise today to congratulate Northwest Community School District in Jackson, Michigan as it celebrates fifty years of educational excellence in the Jackson community. Our current superintendent, Dennis Desmarais, as well as the

other administrators, teachers, support personnel, and the 25,000 residents and parents of the school district should all be proud of the lasting contribution they have made in shaping the lives of the young people in the Jackson area.

Northwest School District is one of Jackson County's largest school districts, and was established in 1954 when nineteen tiny districts consolidated to become Northwest Rural Agricultural Schools. By the time R. Willard Kidder became superintendent in 1955, more than 1100 students were enrolled in the district, and were transported to 23 buildings on nine buses. The next year, the school's student council chose the Mounties as the district's mascot, a name which was taken from the Royal Canadian Mounted Police, symbolizing fairness, devotion, duty, and exemplary service. It was also at this time that red and black were adopted as the official school colors.

Mr. Kidder took over as Northwest's superintendent in 1956 when the original superintendent, Dr. Warran Randall, accepted a position in Hudson. Under Kidder's leadership, the school grew, the Northwest Junior-Senior High School, now R.W. Kidder Middle School, opened for students in grades five through nine in 1956. Enrollment continued to grow, and peaked at 4,200 when Mr. Kidder retired in 1972. In 1960, Flora List Elementary School opened for 700 students in kindergarten through sixth grade, and three years later, Parnall Elementary School opened on Lansing Avenue to accommodate another 900 students. In 1966, Mr. Kidder hired Mr. Joe Koziol to teach driver's education, and Mr. Koziol continued to serve the district for nearly four more decades as assistant principal in the 1970's and then as the district's superintendent from 1998 till 2002.

On behalf of the United States Congress, it is with great pleasure that I rise today to extend our highest praise and congratulations to the Northwest School District for its awards and academic honors as it marks the 50th anniversary of its founding.

#### COMMEMORATING THE OPENING OF THE NATIONAL MUSEUM OF THE AMERICAN INDIAN

### HON. RON KIND

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. KIND. Mr. Speaker, I rise today as a proud member of the House Native American Caucus, to celebrate the opening of the National Museum of the American Indian.

I also extend a warm welcome to the members from Wisconsin's seven tribes: the Oneida, Ojibwe, Ho Chunk, Stockbridge-Munsee, Menominee, Brothertown, and Potawatomi who have traveled to Washington, D.C. this week. They join the nearly twenty-thousand Native Americans, representing the nearly five-hundred state and federally recognized tribes, who have gathered here to celebrate the opening of the museum in the largest tribal gathering in our nation's history.

After 15 years of planning and five years of construction, the National Museum of the American Indian celebrates the traditions, diversity and vitality of America's first people. Located within reach of the Capitol dome on

the National Mall, the museum focuses on the art, history and culture of Native Americans.

The museum's impressive design and extensive exhibits were developed in close consultation with nearly 150 communities from Central and South America, the Caribbean, Canada and the United States.

The pieces in the collection of eight-hundred and fifty thousand items represent a 'living history' that will take visitors on a journey from past to present, and show that Native Americans continue to make vital contributions to contemporary American culture and art.

The National Museum of the American Indian, with its graceful architecture and soaring atrium sited on the country's most ceremonial ground is a long-overdue recognition of the many contributions made by tribe members. I encourage all Americans to join me in honoring them by experiencing the museum and learning more about their heritage.

#### PAYING TRIBUTE TO TED STRICKLAND

#### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Ted Strickland and thank him for his exceptional contributions to his community and the State of Colorado as an Adams County Commissioner. A two term county commissioner, Ted is a dedicated public servant and leader in his community, and I am honored to recognize his accomplishments before this body of Congress and this Nation today.

Ted was born in Austin, Texas and moved to Colorado in 1954 after serving in the Army. He began working as Vice President of Petroleum Information before his 1966 election to the Colorado State House of Representatives. Two years later he was elected to the Colorado State Senate in 1968 and served twenty-four years, including twelve as the President of the Senate. Ted also served as Lieutenant Governor of Colorado from 1973 to 1975. In 1996, he was elected to the Board of Commissioners of Adams County where he has dedicated his efforts to serving the people of Adams County. Ted currently serves on the E-470 Public Highway and Front Range Airport Authority Boards and is the alternate representative to the Denver Regional Council of Governments, the Adams County Economic Development and Adams County Water Association.

Mr. Speaker, it is clear that Ted Strickland has ceaselessly dedicated his time and efforts to serving his country and the people of Colorado as an Adams County Commissioner. I am honored to bring his hard work and commitment to the attention of this body of Congress and this nation today. Thank you for all your service, Ted, and I wish you all the best in your future endeavors.

IN RECOGNITION OF MARTHA "MARTI" YOUNG OF ROSEBURG, OREGON

#### HON. PETER A. DeFAZIO

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. DeFAZIO. Mr. Speaker, I rise today to recognize and to congratulate Martha "Marti" Young of Roseburg, Oregon. The Oregon Commission for Women selected Ms. Young as one of the 2004 Women of Achievement. She will be honored on Saturday, October 2nd, at the 20th Annual Women of Achievement Awards Dinner for her determined advocacy, intelligent leadership, and inspired vision on behalf of low income Oregonians.

Marti Young has an impressive record of public service, with over thirty years of active participation. Wherever there has been innovation, progress, and development in human services in Oregon, she has been in the front ranks. She has been an unstoppable advocate, mobilizing resources and providing services to alleviate poverty and enhance the quality of life for the poor, the elderly, and people with disabilities.

Marti Young gets things done—and done well. She has worked with the low income community and community partners to establish Head Start programs, a child care center for low income families, a school lunch program, and an emergency food bank, an energy assistance program, transportation services, shelter programs, and other resources and opportunities vital to the health and well-being of Douglas County.

The world is full of heroes like Marti Young, working every day to make the world a better place. I am pleased to offer her the heartfelt congratulations and warm thanks she so richly merits.

#### IN HONOR OF WHEELING JESUIT UNIVERSITY'S 50TH ANNIVERSARY

#### HON. TIM MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. MURPHY. Mr. Speaker, as an alumni it is an honor for me to rise today to recognize and commemorate Wheeling Jesuit University as this institution of higher learning celebrates its 50th anniversary.

In 1954 the Catholic Diocese of Wheeling-Charleston and the Society of Jesus of the Maryland Province forged a partnership to establish the only Catholic university in West Virginia. Since its first class of 90 students and 12 Jesuits, Wheeling Jesuit has grown to include over 1,000 students and five graduate programs.

As one of our nation's youngest Jesuit institutions, Wheeling Jesuit practices and teaches the Ignation tradition of faith, worship, and service. Students at WJU learn to incorporate these principles into their daily lives. Today we may witness the continuation of this tradition among the younger classes which exemplify a lifestyle of hard work and achievement. Wheeling Jesuit University alumni are constantly challenging themselves and others to move at full speed towards perfection in service to their community and the Lord.

In its efforts to provide a valuable learning experience to its student body, Wheeling Jesuit created the Appalachian Institute. The Institute serves as a vehicle to expose students to the issues most important to the surrounding Appalachian region. It is through service opportunities developed by the Institute that students are able to apply their understanding from the classroom to situations real in the world.

Additionally, students attending Wheeling Jesuit are afforded an array of opportunities to participate in public service projects. These activities include a semester-long hunger and homelessness awareness program to educate students of the problems plaguing the local and global community; and the Appalachian Experience Club, which sponsors work experiences in rural West Virginia throughout the academic year.

This small college, by steadfastly adhering to its principles, continues to impact local, national, and global communities. Through an emphasis on academic excellence the college has graduated thousands of students to pursue careers in health care, law, business, education, and the arts. Residing in our nation's 50 states and 147 nations abroad, Wheeling Jesuit Alumni typify the lifestyle of selflessness, achievement, and service that this institution instilled in them years ago.

Mr. Speaker, I ask that you and my colleagues join me in honoring and congratulating Wheeling Jesuit University for celebrating their 50th anniversary. Over the years Wheeling Jesuit has provided unsurpassed support and guidance to its students and the Appalachian community, and will continue to impact the lives of its students and the community through its charitable contributions and commitment to public service.

#### PAYING TRIBUTE TO CHERYL OLSON

#### HON. SCOTT McINNIS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. McINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Cheryl Olson and thank her for her exceptional contributions to her community and the State of Colorado as a Larimer County Commissioner. A two-term commissioner, Cheryl is a dedicated public servant and leader in her community, and I am honored to recognize her accomplishments before this body of Congress and this Nation today.

As a lifelong resident of Fort Collins, Colorado, Cheryl attended Fort Collins High School and earned her bachelor's degree from the Colorado State University. After graduation Cheryl worked at various organizations including: James Johnson & Son, Inc., The Group, Inc., and Commercial Investment Team, Inc. She began her public service career in 1996, when she was elected to the Board of Commissioners of Larimer County where she has dedicated her efforts to serving the people of Larimer County. Cheryl served as Chair of the Board from 1998 to 2001. Some of the additional boards and commissions Cheryl served on include: the Larimer Center for Mental Health, the Colorado State University's President's Community Relations Committee, and

the Larimer County Department of Human Services Children and Family Services Division. She was also chairman of the Colorado Counties, Inc. Land Use and Natural Resources committee, and the joint Colorado Municipal League Growth subcommittee.

Mr. Speaker, it is clear that Cheryl Olson has ceaselessly dedicated her time and efforts to serving her country and the people of Colorado as a County Commissioner for Larimer County. I am honored to bring her hard work and commitment to the attention of this body of Congress and this nation today. Thank you for all your service, Cheryl, and I wish you all the best in your future endeavors.

IN RECOGNITION OF THE NATIONAL HISPANIC CONTRACTORS ASSOCIATION'S 2ND ANNUAL CONFERENCE

**HON. CIRO D. RODRIGUEZ**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. RODRIGUEZ. Mr. Speaker, I want to recognize the gathering of the National Hispanic Contractors Association at their 2nd Annual Conference entitled "Framing the Future: Diversity Builds the American Dream".

The Conference will take place on September 23rd and 24th, 2004 at the Greater Fort Lauderdale Broward County Convention Center located in Fort Lauderdale, Florida. With more than 150,000 Hispanic contractors in our nation, the Association will host many of them during this conference.

One of the panel discussions will focus on safety in the workforce. The rate of workplace injuries for Hispanics is disproportionately high. Hispanic workers, who comprise 12 percent of the U.S. labor force, experienced 15 percent of the fatal occupational injuries in 2003. Eight hundred forty Hispanic workers died from workplace injuries in 2003. I commend the USHCA for discussing this important subject.

The U.S. Hispanic Contractors Association is a 501(c)(3) non-profit organization dedicated to providing the support necessary for the advancement, advocacy, and economic growth, and full participation of Hispanic-owned businesses in all areas of contracting and procurement contracts.

CONGRATULATING DR. MIGUEL ANGEL RODRIGUEZ AS HE IS INSTALLED AS SECRETARY GENERAL OF THE ORGANIZATION OF AMERICAN STATES

**HON. ROB PORTMAN**

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. PORTMAN. Mr. Speaker, I rise to honor my friend, Dr. Miguel Angel Rodriguez, the distinguished former President of Costa Rica, who today will be formally installed as Secretary General of the Organization of American States (OAS).

Combining a shared vision for the Americas, the OAS brings together a number of nations of the Western Hemisphere to strengthen co-

operation and common interests. It is the region's premier forum for multilateral dialogue and action. At the core of the OAS mission is the belief in, and commitment to, democracy. Since the end of the Cold War, the OAS member states have signified their cooperation by working to promote peace and human understanding; strengthen security; expand trade; and promote human rights.

A recognized world leader and economist, Dr. Rodriguez has served in many key leadership positions. Prior to assuming the Presidency of Costa Rica in 1998, he was President, and before that, Vice President of the Christian Democrat Organization of America. He was President of the Legislative Assembly of the Republic of Costa Rica and a Congressman of the Legislative Assembly of the Republic of Costa Rica. A professor at the Universidad Autonoma de Centro America, he has published extensively on the subjects of democracy; market and social welfare policy.

Dr. Rodriguez received a B.Sc. in Economics and Social Sciences and a BS in Law from the Universidad de Costa Rica. He also earned an M.A. and Ph.D. in Economics from the University of California at Berkeley.

I have had the honor of working with Dr. Rodriguez to resolve outstanding issues that would enable Costa Rica to participate in the Tropical Forest Conservation Act. I authored this legislation, which is designed to protect the world's most endangered tropical forests using market-oriented debt-for-nature mechanisms. I know him to be a thoughtful and fair person, and a friend of the United States.

I join my colleagues in congratulating Dr. Rodriguez on assuming the position of Secretary General. We look forward to working with him in his new position.

PAYING TRIBUTE TO SANDY HUME

**HON. SCOTT MCINNIS**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Mr. MCINNIS. Mr. Speaker, I would like to take this opportunity to pay tribute to Sandy Hume and thank him for his exceptional contributions to his community and the State of Colorado as an Adams County Commissioner. As a public official since 1983, Sandy is a dedicated public servant and leader in his community and I am honored to recognize his accomplishments before this body of Congress and this Nation today.

A lifelong resident of Boulder, Colorado, Sandy attended Boulder High School and went on to earn both a bachelor's and masters degree from the University of Colorado. After a short period of serving with the Army, Sandy became a self-employed photographer. Sandy began his public service career when he was elected to the State House of Representatives in 1983, and reelected in 1985, and 1987. His strength as a legislator led to his 1989 election to the Colorado State Senate. Serving the people of Boulder County in District 13, Sandy has long been an advocate of education, efficient transportation, and management of our energy and natural resources. During his tenure in the House he served as a member of the Education and Transportation and Energy committees where he was able to work on higher education bills and regulating the

amount of hazardous waste that is transported through Boulder.

After leaving the General Assembly, Sandy continued his exemplary public service record by serving as a Boulder County commissioner from 1991-1994, and the Boulder County Treasurer from 1995-2002. Currently he is serving as the Boulder Public Trustee, a post that he was appointed to in 2003 by Colorado Governor Bill Owens. In his spare time, he serves on the Advisory Board of the Colorado Commission for Higher Education, and is an accomplished photographer.

Mr. Speaker, it is clear that Sandy Hume has ceaselessly dedicated his time and efforts to serving his country and the people of Colorado as an Adams County Commissioner. I am honored to bring his hard work and commitment to the attention of this body of Congress and this nation today. Thank you for all your service, Sandy, and I wish you all the best in your future endeavors.

RECOGNIZING THE CATHOLIC SOCIAL SERVICES FOR 25 YEARS OF COMMITTED SERVICE TO GOD'S PEOPLE

**HON. MADELINE Z. BORDALLO**

OF GUAM

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 23, 2004*

Ms. BORDALLO. Mr. Speaker, I want to honor the Catholic Social Services (CSS) for 25 years of committed service to the people of Guam. For over two decades, the CSS has responded to the needs of our island community through housing, health care, nutritional and other support programs for the elderly and disadvantaged in our community. In doing so, it has fulfilled its mission to encourage the development of the spiritual, intellectual, economic, and social well-being of those in need while respecting the dignity of each individual.

Founded by Fr. David I.A. Quitugua with the assistance of Judge Ramon Diaz and the late Archbishop Felixberto C. Flores, the Catholic Social Services opened its doors on September 12, 1979 in Agaña, Guam. From its first programs, the residential Drug Treatment Center and the Migration and Refugee Office to the many programs they currently administer, the Catholic Social Services continues to expand to meet the growing needs of our community. Programs such as the In-Home Services Program have provided much needed respite and support services for caretakers of the elderly and to elderly individuals without caretakers. Other programs, including the Alee Shelters and Guma Sagrada Familia, have provided a safe haven for victims of abuse especially women, children, the elderly and adults with disabilities. The Guma San Jose shelters and the Liheng Transitional Housing Program provide shelter to homeless individuals and families as well as assistance in obtaining permanent housing. The Caridad programs provide much needed assistance to children and adults with special needs.

The accomplishments of the Catholic Social Services over the last 25 years would not have been possible without the work of dedicated staff and volunteers, past and present. I want to commend each of them for their commitment to serving the less fortunate in our community. I would also like to commend

the leadership of CSS over the years, Fr. David Quitugua, Sr. Anita, Mrs. Cerila M. Rapadas, and Sr. Callista Camacho, R.S.M. Together they have brought hope to those in need.

I want to recognize Archbishop Anthony S. Apuron and the Archdiocese of Agana for the continued support of the mission of the Catholic Social Services. Furthermore, I would also like to recognize the generosity of the donors and benefactors of the Catholic Social Services. Their contributions have made it possible for CSS to continue its work and I encourage their continued support.

I want to congratulate the Catholic Social Services on their 25th Anniversary. Although I cannot be with them as they celebrate the occasion, I want to thank them for their service to our people and wish them continued success. Un Dangkulu na Si Yu'os Ma'asel

TRANSPORTATION, TREASURY,  
AND INDEPENDENT AGENCIES  
APPROPRIATIONS ACT, 2005

SPEECH OF

**HON. DIANA DeGETTE**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Wednesday, September 22, 2004*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 5025) making appropriations for the Departments of Transportation and Treasury, and independent agencies for the fiscal year ending September 30, 2005, and for other purposes:

Ms. DeGETTE. Mr. Chairman, I voted in strong support of the Motion to Recommit sponsored by Representative DAVID OBEY and in reluctant support for final passage of H.R. 5025, the Transportation and Treasury Appropriations Act for Fiscal Year 2005.

Politics and a deplorable abuse of the legislative process are holding critical transportation projects across this country hostage. This includes the T-REX project in my district—which has introduced light rail to metro Denver and expanded a vital corridor along I-25. Every federal highway and transit project in this country must be authorized to receive federal funds before the appropriators can release them. Unfortunately, the wheels have fallen off the authorization train this time around.

We in Congress are facing an incredible situation where a Republican-controlled House, a Republican-controlled Senate and a Republican-controlled White House cannot reach an agreement on funding levels for our nation's transportation system. This showdown occurs against a background of ever increasing traffic congestion, as our transportation needs continue to outstrip our will to address them.

As if there weren't enough to raise concern about the authorization process alone, the folly extended to the House's consideration of the transportation funding bill as well. My Republican colleagues from Colorado subjected the appropriations bill itself to numerous points of order that stripped the legislation of funding for transit projects, Amtrak, and even T-REX.

My hometown paper, the Rocky Mountain News, recently described the situation we face today, "Imagine a major transportation bill that pays for very few roads or transit programs."

Well, that's what we're stuck with. Do you know why my colleagues decided to strip this much-needed money out of the bill? Because the authorization bill hasn't passed. Well, whose fault is that?

So I support Mr. OBEY's efforts to restore the transit funding to the transportation bill before us here today. I'll vote for final passage, because I hope that all of this absurdity will be remedied in the conference report because, frankly, my constituents don't care about this political wrangling. They care about the transportation crunch across our country, they care about congestion in Denver and they care about real solutions. I will continue to fight against this political posturing and for the real solutions that will get traffic flowing again in my district and across this nation.

PLEDGE PROTECTION ACT OF 2004

SPEECH OF

**HON. SHEILA JACKSON-LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, September 9, 2004*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2028) to amend title 28, United States Code, with respect to the jurisdiction of Federal courts inferior to the Supreme Court over certain cases and controversies involving the Pledge of Allegiance:

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong opposition to the Pledge Protection Act of 2003, H.R. 2028. The operative language of H.R. 2028 is contained in a single provision—Section 2(a):

[n]o court created by an Act of Congress shall have any jurisdiction, and the Supreme Court shall have no appellate jurisdiction, to hear or decide any question pertaining to the interpretation of, or the validity under the Constitution of, the Pledge of Allegiance, as defined in section 4 of title 4, or its recitation.

Mr. Chairman, we have seen this kind of egregious legislation before in the context of closing federal court doors to claims related to the Defense of Marriage Act. This legislation violates the same principles as that did—supreme court and lower federal court jurisprudence; well-respected legal precedence; the doctrines of the "separation of powers;" the doctrine of "judicial review;" equal rights and equal protection; the U.S. Constitution; the intent of the original Framers; and others.

H.R. 2028 would preclude any federal judicial review of any constitutional challenge to the Pledge of Allegiance—whether it be in the lower federal courts or in the highest Court in the Land, the U.S. Supreme Court. Effectively, if passed, this extremely vague legislation will relegate all claimants to State courts to review any challenges to the Pledge. This possibility will lead to different constitutional constructions in each of the 50 states. If one of the purported goals of H.R. 2028 is to minimize the amount of cases brought to the federal courts and save the court administration's time, this bill fails miserably. H.R. 2028 "dumps" these claims onto the dockets of the State courts which will render different decisions across the board—clearly bad policy.

JUDICIAL REVIEW AND ARTICLE III

Article III of the U.S. Constitution vests "the Judicial Power of the United States . . . in

one supreme court." The laundry list of areas which the federal courts have the power to hear and decide under Section 2 of Article III, establishes the doctrine of the "separation of powers."

For over 50 years, the federal courts have played a central role in the interpretation and enforcement of civil rights laws. Bills such as H.R. 2028 and H.R. 3313, the Marriage Protection Act—bills to prevent the courts from exercising their Article III functions only mask discrimination.

We cannot allow bad legislation such as this to pass in the House. In the 1970s, some members of Congress unsuccessfully sought to strip the courts of jurisdiction to hear desegregation efforts such as busing, which would have perpetuated racial inequality.

At the height of anti-immigration sentiments in 1996, Congress succeeded in enacting immigration laws that stripped federal courts of the ability to hear appeals by legal immigrants who sought to challenge the harsh deportation laws that were on the books. Some of these laws were so extreme that the Supreme Court ultimately weighed in and struck them down as unconstitutional. As Ranking Member of the House Judiciary Subcommittee on Immigration and Claims, I recognize the importance of the Supreme Court's role in ensuring that fundamental fairness remains the hallmark of the American legal and judicial system.

Minority groups enjoy the freedoms that they now enjoy today because of the wisdom of the Supreme Court. By passing legislation such as H.R. 2028 and H.R. 3313, Congress will set a dangerous precedent that will leave many Americans vulnerable to discrimination and disparate treatment.

The denial of a federal forum for plaintiffs to vindicate their Constitutional rights would preclude a body specifically suited for the analysis of federal interests from doing what it has been created to do under the Constitution. State courts, which will be the "last shot" at relief for these plaintiffs, may lack the expertise and independent safeguards provided to federal judges under Article III.

H.R. 2028, as drafted, insulated the Pledge of Allegiance as set forth in section 4 of title 4 of the United States Code from constitutional challenge in the federal courts.

However, the statute and the Pledge are subject to change by future legislative bodies. This means that if some future Congress decides to insert some religiously offensive or discriminatory language in the pledge, the matter would be immune to constitutional challenge in the federal courts.

The Jackson-Lee amendment, which I will offer, provides for an exception to the bill's preclusion that involves allegations of coerced or mandatory recitation of the Pledge of Allegiance, including coercion in violation of the First Amendment.

Closing the doors of the federal courthouse doors to claimants will amount to a coercion of individuals to recite the Pledge and its reference to God in violation of the holding in *West Virginia State Board of Education v. Barnette*. This case struck down mandatory recitation of the Pledge of Allegiance.

In *Barnette*, the Supreme Court struck down a West Virginia law that mandated schoolchildren to recite the Pledge of Allegiance. Under the West Virginia law, religious minorities faced expulsion from school and could be subject to prosecution and fined, if convicted

of violating the statute's provisions. In striking down that statute, Justice Jackson wrote for the Court:

To believe in patriotism will not flourish if patriotic ceremonies are voluntary and spontaneous instead of a compulsory routine is to make an unflattering estimate of the appeal of our institutions to free minds . . . If there is any fixed star in our constitutional constellation, it is that no official, high, or petty can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.

This legislation would strip the parents of those children of the right to go to court and defend their children's religious liberty. If this legislation is passed, schools could expel children for acting according to the dictates of their faith and Congress will have slammed the courthouse door shut in their faces. When I was a child, I always wondered why, when the rest of the class recited the Pledge of Allegiance, she always sat quietly. Today, I understand that it was because she was of the 7th Day Adventist faith and therefore reciting the "under God" provision would force her to frustrate her religious faith. If H.R. 2028 were law back then, the school administrators could have forced her to say the pledge and she would have no recourse in the federal courts.

The Jackson-Lee Amendment protects religious minorities, Mr. Chairman.

Recently, a panel of the U.S. Court of Appeals for the Third Circuit held that a Pennsylvania law requiring recitation of the Pledge, even when it provided a religious exception, violated the Constitution because it violated the free speech of the students.

In *Circle School v. Pappert*, the court found that:

It may be useful to note our belief that most citizens of the United States willingly recite the Pledge of Allegiance and proudly sing the national anthem. But the rights embodied in the Constitution, particularly the First Amendment, protect the minority—those persons who march to their own drummers. It is they who need the protection afforded by the Constitution and it is the responsibility of federal judges to ensure that protection.

Again, under H.R. 2028, such a coercive speech case could never reach the federal courts.

#### DUE PROCESS AND SEPARATION OF POWERS

Protecting fundamental due process of the law requires independent judicial forums capable of determining federal constitutional rights—with experience. H.R. 2028 will deprive the federal courts of the ability to hear cases involving fundamental free exercise and free speech rights of students, parents, religious affiliates, and many others. Congressional denial of a federal forum to plaintiffs in a specified class of cases would force these plaintiffs out of federal courts—which are specifically suited for the vindication of federal interests, and into state courts which may be inexperienced and hostile to federal claims.

The Pledge Protection Act threatens to destroy the U.S. Constitution, the independence of the federal judiciary, separation of powers, and individual rights and protections guaranteed by the Constitution. Mr. Chairman, I urge my colleagues to save this country from legal demise and defeat the base bill.

## GREATER REGULATION OF RELIGION IN KAZAKHSTAN?

**HON. CHRISTOPHER H. SMITH**

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 24, 2004*

Mr. SMITH of New Jersey. Mr. Speaker, as Chairman of the U.S. Helsinki Commission I am concerned about Kazakhstan's draft law on combating extremist activity, as the legislation could violate Kazakhstan's OSCE commitments on religious freedom and damage the country's positive reputation on religious tolerance and liberty. In President Nursultan Nazarbaev's address to the parliament on September 1, he urged deputies to pass the bill while dismissing concerns about the further regulation of religion. Nevertheless, the text is problematic in several respects and would benefit from further refinement. Considering that Kazakhstan wishes to be the OSCE Chair-in-Office in 2009, I urge Kazakhstan to seek the advice of the OSCE Panel of Experts on Religious Freedom or Belief, as President Nazarbaev wisely did two years ago regarding a proposed draft law on religion.

Intended to combat terrorism, the draft law would criminalize membership in certain groups or the holding of certain beliefs, rather than combating actual criminal deeds. A critical portion of the law is also vague, as the text fails to define clearly the term "extremism." The omission is glaring and will very likely lead to its misapplication. In addition, the draft uses the word "religious" ten times and links religion with an ill-defined understanding of "extremism." In the context of an anti-terrorism law, such a connection gives rise to concern, as these types of statutes can easily be misused against unpopular religious communities. The draft law would strengthen state control over religious activity by giving the State Agency for Work with Religious Associations the ability to monitor groups. From its observations, the State Agency can recommend the banning of a group for "extremist activity," but again the text does not spell out what activities would qualify.

Another problematic provision included in the draft concerns the foreign classification of a group as "extremist," as the law will honor the classification by another country and ban their activity in Kazakhstan. This clause would in effect allow the long arm of a repressive government to outlaw a group in Kazakhstan, as well. I remember when a Moscow court labeled the Salvation Army as a "paramilitary" organization; under this draft bill, Kazakhstan could follow this erroneous assertion and ban this well-respected humanitarian organization.

Existing Kazakh law fully provides for the prosecution of criminal acts, so these new provisions are not only unnecessary but harmful. In fact, some articles of current law are too restrictive. For example, Article 375 of the Administrative Code, which requires the registration of religious groups, should be removed. I have received consistent reports since the promulgation of Article 375 of unregistered groups being penalized for legitimate activities and their facing civil and criminal sanctions. Considering the recurring misuse of civil regulations, I fear further abuse under the draft law.

I understand that President Nazarbaev is concerned about the spread of extremism in

his country, especially from "radical" Islamic groups. The President may be tempted to follow the actions of his neighbors, especially Uzbekistan, but I would advise him otherwise. The Uzbek Government has for years ruthlessly clamped down on pious Muslims suspected of being associated with Hizb ut-Tahrir. This reactionary and heavy-handed policy has proven counterproductive, antagonizing the devout Muslim population and leaving it receptive to other, radical voices. Instead of defeating terrorists, demanding legal requirements for religious practice and Uzbekistan's harsh responses have restricted the religious freedoms of the many peaceful Muslims and Christians wanting to practice their faith. Obviously, individuals involved in criminal activity in Kazakhstan should be punished. But, by banning entire groups, particularly independent mosques outside the control of the state-backed Muslim Spiritual Association, entire communities will be penalized. The result will be the inappropriate limiting of a fundamental freedom, while doing little to prevent criminal acts.

In closing, the Congress of World and Traditional Religions convened by President Nazarbaev himself was successful in bringing together Christian, Muslim, Jewish, Buddhist and Hindu leaders to discuss tolerance and understanding. I fear that the draft law on extremism, if not amended, will sully Kazakhstan's reputation on religious tolerance by unduly limiting religious freedoms through the criminalization of certain memberships and beliefs as opposed to addressing real criminal activity.

## PERSONAL EXPLANATION

**HON. THOMAS G. TANCREDO**

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 24, 2004*

Mr. TANCREDO. Mr. Speaker, I was out of town on official business, and missed rollcall vote Nos. 457, 458, 459, and 460. Had I been present, I would have voted "no" on rollcall 457, "no" on rollcall 458, "no" on rollcall 459, and "no" on rollcall 460.

## PERSONAL EXPLANATION

**HON. SAM GRAVES**

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

*Friday, September 24, 2004*

Mr. GRAVES. Mr. Speaker, on Thursday, September 23, 2004 I was unavoidably detained and thus missed rollcall vote Nos. 466, 467, 468 469, 470, 471 and 472. Had I been present, I would have voted "nay" on 466, an amendment by Mr. Watt; "yea" on 467, passage of the Pledge Protection Act; "yea" on 468, the Adoption Tax Relief Guarantee Act; "yea" on 469; "yea" on 470; "yea" on 471; and "yea" on 4721, passage of the conference report to H.R. 1308, which I previously supported.



# Daily Digest

## Senate

### Chamber Action

*Routine Proceedings, pages S9657–S9690*

**Measures Introduced:** One bill and one resolution were introduced, as follows: S. 2846 and S. Res. 435. **Page S9673**

**National Intelligence Reform Act—Agreement:** A unanimous-consent agreement was reached providing that at 2 p.m., on Monday, September 27, 2004, Senate begin consideration of S. 2845, to reform the intelligence community and the intelligence and intelligence-related activities of the United States Government. **Pages S9689–90**

**Measures Placed on Calendar:** **Page S9689**

**Additional Cosponsors:** **Page S9673**

**Statements on Introduced Bills/Resolutions:** **Pages S9673–74**

**Authority for Committees to Meet:** **Page S9674**

**Text of H.R. 4755 and H.R. 4850, each as Previously Passed:** **Pages S9674–89**

**Adjournment:** Senate convened at 10:04 a.m., and adjourned at 12:41 p.m., until 1 p.m., on Monday, September 27, 2004. (For Senate's program, see the remarks of the Acting Majority Leader in today's Record on page S. 9690.)

### Committee Meetings

*(Committees not listed did not meet)*

#### SAGE GROUSE CONSERVATION

*Committee on Environment and Public Works:* Subcommittee on Fisheries, Wildlife, and Water concluded oversight hearings to examine the sustainability of State and private programs for sage grouse conservation, focusing on developments in federal activities, after receiving testimony from Chad D. Cal-

vert, Deputy Assistant Secretary of the Interior for Land and Minerals Management; Bruce I. Knight, Chief, Natural Resources Conservation Service, Department of Agriculture; Terry Crawforth, Nevada Department of Wildlife, Carson City; Greg Schnacke, Colorado Oil and Gas Association, Denver, on behalf of the Partnership for the West; Gary N. Back, Steffen, Robertson and Kirsten Consulting (USA), Inc., Elko, Nevada, on behalf of the Northeastern Nevada Stewardship Group, Inc.; John O'Keeffe, Oregon Cattleman's Association, Salem, on behalf of the Public Lands; Ben Deeble, National Wildlife Federation, Missoula, Montana; and James A. Mosher, North American Grouse Partnership, on behalf of sundry organizations.

#### TREATIES

*Committee on Foreign Relations:* Committee concluded a hearing to examine the Protocol Amending the Convention Between the United States of America and the Kingdom of the Netherlands for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (including exchange of notes with attached Understanding), signed at Washington on March 8, 2004 (the "Protocol") (Treaty Doc. 108–25), and the Second Protocol Amending the Convention Between the United States of America and Barbados for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income Signed on December 31, 1984, signed at Washington on July 14, 2004; including an exchange of notes with attached Understandings (Treaty Doc. 108–26), after receiving testimony from George Yin, Chief of Staff, Joint Committee on Taxation; Barbara M. Angus, International Tax Counsel, Department of the Treasury; and William A. Reinsch, National Foreign Trade Council, and Judith P. Zelisko, Brunswick Corporation, on behalf of the Tax Executives, Inc., both of Washington, DC.

# House of Representatives

## Chamber Action

**Measures Introduced:** 5 public bills, H.R. 10, 5147–5150; were introduced. **Pages H7579–80**

**Additional Cosponsors:** **Page H7580**

**Reports Filed:** Reports were filed today as follows: H.R. 4077, to enhance criminal enforcement of the copyright laws, to educate the public about the application of copyright law to the Internet, amended (H. Rept. 108–700). **Page H7579**

**Speaker:** Read a letter from the Speaker wherein he appointed Representative Petri to act as Speaker Pro Tempore for today. **Page H7577**

**Recess:** The House recessed at 2:03 and reconvened at 4:30 p.m. **Page H7577**

**Senate Message:** Message received from the Senate today appears on page H7577.

**Senate Referral:** S. Con. Res. 119 was referred to the Committee on Energy & Commerce; and S. 2781 was referred to the Committee on International Relations. **Page H7577**

**Quorum Calls—Votes:** There were no votes or quorum calls.

**Adjournment:** The House met at 2 p.m. and adjourned at 4:31 p.m.

## Committee Meetings

### IRAQ RECONSTRUCTION PROGRAM

*Committee on Appropriations:* Subcommittee on Foreign Operations, Export Financing and Related Programs held a hearing on Iraq Reconstruction Program. Testimony was heard from Richard L. Armitage, Deputy Secretary of State.

### NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, P. D 860)

H.R. 361, to designate certain conduct by sports agents relating to the signing of contracts with student athletes as unfair and deceptive acts or practices to be regulated by the Federal Trade Commission. Signed on September 24, 2004. (Public Law 108–304).

H.R. 3908, to provide for the conveyance of the real property located at 1081 West Main Street in Ravenna, Ohio. Signed on September 24, 2004. (Public Law 108–305).

H.R. 5008, to provide an additional temporary extension of programs under the Small Business Act

and the Small Business Investment Act of 1958 through September 30, 2004. Signed on September 24, 2004. (Public Law 108–306).

S. 1576, to revise the boundary of Harpers Ferry National Historical Park. Signed on September 24, 2004. (Public Law 108–307).

### CONGRESSIONAL PROGRAM AHEAD

Week of September 27 through October 2, 2004

#### Senate Chamber

On *Monday*, at 2 p.m., Senate will begin consideration of S. 2845, National Intelligence Reform Act.

During the balance of the week Senate will consider any other cleared legislative and executive business, including appropriation bills, when available.

#### Senate Committees

(Committee meetings are open unless otherwise indicated)

*Committee on Banking, Housing, and Urban Affairs:* September 28, to hold hearings to examine policies to enforce the Bank Secrecy Act and to prevent money laundering in money services businesses and the gaming industry, 10 a.m., SD–538.

September 29, Full Committee, to hold hearings to examine recommendations of the 9/11 Commission, focusing on efforts to identify and combat terrorist financing, 10 a.m., SD–538.

*Committee on Commerce, Science, and Transportation:* September 28, to hold hearings to examine media ownership issues, 9:30 a.m., SR–253.

September 28, Subcommittee on Science, Technology, and Space, to hold hearings to examine the effectiveness of media ratings systems, 2:30 p.m., SR–253.

September 29, Subcommittee on Science, Technology, and Space, to hold hearings to examine the controversy over embryonic stem cell research, 2 p.m., SR–253.

September 30, Subcommittee on Communications, to hold oversight hearings to examine the security of Internet Root Servers and the Domain Name System (DNS), 2:30 p.m., SR–253.

*Committee on Energy and Natural Resources:* September 29, Subcommittee on Public Lands and Forests, to hold hearings to examine S. 2410, to promote wildland firefighter safety, H.R. 1651, to provide for the exchange of land within the Sierra National Forest, California, S. 2378, to provide for the conveyance of certain public land in Clark County, Nevada, for use as a heliport, H.R. 2400, to amend the Organic Act of Guam for the purposes of clarifying the local judicial structure of Guam, H.R. 3874, to convey for public purposes certain Federal lands in Riverside County, California, that have been identified for disposal, H.R. 4170, to authorize the Secretary of the Interior to recruit volunteers to assist with, or facilitate, the activities of various agencies and offices

of the Department of the Interior, and S. Res. 387, commemorating the 40th Anniversary of the Wilderness Act, 2:30 p.m., SD-366.

September 30, Full Committee, to hold oversight hearings to examine issues related to low-level radioactive waste, 10:30 a.m., SD-366.

*Committee on Foreign Relations:* September 28, to hold hearings to examine how to combat corruption in the multilateral development banks, 2:30 p.m., SD-419.

September 29, Full Committee, to hold hearings to examine the nominations of Ryan C. Crocker, of Washington, to be Ambassador to the Islamic Republic of Pakistan, Marcie B. Ries, of the District of Columbia, to be Ambassador to the Republic of Albania, Catherine Todd Bailey, of Kentucky, to be Ambassador to the Republic of Latvia, and Douglas Menarchik, of Texas, to be an Assistant Administrator of the United States Agency for International Development, 3 p.m., SD-419.

*Committee on Governmental Affairs:* September 30, Financial Management, the Budget, and International Security, to hold oversight hearings to examine Section 529 College Savings Plans, focusing on fees, disclosure, state tax treatment and broker sales practices, 10:30 a.m., SD-342.

*Committee on Indian Affairs:* September 29, business meeting to consider pending calendar business; to be followed by an oversight hearing on lobbying practices involving Indian tribes, 9:30 a.m., SH-216.

*Committee on Veterans' Affairs:* September 30, to hold hearings to examine the nominations of Mary J. Schoelen, of the District of Columbia, and William A. Moorman, of Virginia, each to be a Judge of the United States Court of Appeals for Veterans Claims, and Robert Allen Pittman, of Florida, to be an Assistant Secretary of Veterans Affairs for Human Resources and Administration, 2 p.m., SR 418.

*Special Committee on Aging:* September 28, to hold hearings to examine combating influenza in order to keep senior citizens alive, 10 a.m., SD-628.

### House Chamber

Program to be announced.

### House Committees

*Committee on Agriculture,* September 29, Subcommittee on Conservation, Credit, Rural Development, and Research, hearing to review the Farm Credit System, 1:30 p.m., 1300 Longworth.

*Committee on Appropriations,* September 30, Subcommittee on Labor, Health and Human Services, Education and Related Agencies, on Influenza Vaccine, 10:15 a.m., 2358 Rayburn.

*Committee on Education and the Workforce,* September 28, Subcommittee on 21st Century Competitiveness, hearing on H.R. 2649, Schools Safety Acquiring Faculty Excellence Act of 2003, 10 a.m., 2175 Rayburn.

September 30, Subcommittee on Employer-Employee Relations, hearing on H.R. 4343, Secret Ballot Protection Act of 2004, 10:30 a.m., 2175 Rayburn.

*Committee on Energy and Commerce,* September 28, Subcommittee on Commerce, Trade and Consumer Protection, hearing entitled "Protecting the Privacy of Con-

sumers' Social Security Numbers," 2 p.m., 2123 Rayburn.

September 29, Subcommittee on Health, hearing entitled "Improving Women's Health: Understanding Depression After Pregnancy," 1 p.m., 2123 Rayburn.

September 29, Subcommittee on Telecommunications and the Internet, hearing entitled "An Examination of Wireless Directory Assistance Policies and Programs," 10 a.m., 2322 Rayburn.

*Committee on Financial Services,* September 29, to consider the following bills; H.R. 5011, Military Personnel Financial Services Protection Act; H.R. 4634, Terrorism Insurance Backstop Extension Act of 2004; and H.R. 10, 9/11 Recommendations Implementation Act, 10 a.m., 2128 Rayburn.

September 30, Subcommittee on Domestic and International Monetary Policy, Trade, and Technology and the Subcommittee on Oversight and Investigations, joint hearing entitled "Combating International Terrorist Financing," 10 a.m., 2128 Rayburn.

*Committee on Government Reform,* September 30, Subcommittee on Energy Policy, Natural Resources and Regulatory Affairs, hearing entitled "How Can We Maximize Private Sector Participation in Transportation?—Part II," 10 a.m., 2154 Rayburn.

September 30, Subcommittee on Government Efficiency and Financial Management, oversight hearing entitled "Financial Management at the Department of Health and Human Services," 2 p.m., 2247 Rayburn.

*Committee on International Relations,* September 29, hearing on Afghanistan: United States Strategies on the Eve of National Elections, 10:30 a.m., 2172 Rayburn.

*Committee on the Judiciary,* September 28, Subcommittee on the Constitution, oversight hearing on the "Status of the Implementation of the Pickford v. Glickman Settlement," 4 p.m., 2141 Rayburn.

September 29 and 30, full Committee, to mark up H.R. 10, 9/11 Recommendations Implementation Act, 10 a.m., 2141 Rayburn.

October 1, Subcommittee on the Constitution, oversight hearing on The Presidential Succession Act, 9 a.m., 2141 Rayburn.

*Committee on Resources,* September 29, Subcommittee on Forests and Forest Health, hearing on the following bills: H.R. 977, Aerial Firefighter Relief Act of 2003; H.R. 1550, To authorize the Secretary of the Interior and the Secretary of Agriculture to make grants to improve the commercial value of forest biomass for electric energy, useful heat, transportation fuels, petroleum-based product substitutes, and other commercial purposes; H.R. 1723, Caribbean National Forest Act of 2003; and H.R. 4461, Walnut Canyon Study Act, 2 p.m., 1334 Longworth.

September 30, Subcommittee on Fisheries Conservation, Wildlife and Oceans, hearing on H.R. 4368, Weather and Oceans Resources Realignment Act, 10 a.m., 1324 Longworth.

*Committee on Rules,* September 28, to consider the following: H.R. 3193, District of Columbia Personal Protection Act; and H.J. Res. 106, Proposing an amendment to the Constitution of the United States relating to marriage, 5 p.m., H-313 Capitol.

*Committee on Science*, September 29, Subcommittee on Environment, Technology and Standards, to mark up H.R. 4546, National Oceanic and Atmospheric Administration Act, 2 p.m., 2318 Rayburn.

*Committee on Transportation and Infrastructure*, September 28, Subcommittee on Highways, Transit, and Pipelines, to mark up the following: H.R. 5082, Public Transportation Terrorism Prevention and Response Act of 2004; and other pending business, 4 p.m., 2167 Rayburn.

September 29, full Committee, to consider the following: GSA Fiscal Year 2005 Capital Investment and Leasing Program Resolutions; U.S. Army Corps of Engineers Resolutions; H.R. 5082, Public Transportation Terrorism Prevention and Response Act of 2004; H.R. 5105, To authorize the Board of Regents of the Smithsonian Institution to carry out construction and related activities in support of the collaborative Very Energetic Radiation Imaging Telescope Array System (VERITAS) project on Kitt Peak near Tucson, Arizona; H.R. 5121, To further protect the United States aviation system from terrorist attacks; the National Health Museum Authorization Act; the Research and Special Programs Reorganization Act of 2004; and other pending business, 11 a.m., 2167 Rayburn.

September 30, Subcommittee on Water Resources and Environment, oversight hearing entitled "Are Citizen Suit Provisions of the Clean Water Act Being Misused?" 10 a.m., 2167 Rayburn.

*Committee on Ways and Means*, September 30, Subcommittee on Social Security and the Subcommittee on Human Resources, joint hearing on the Commissioner of Social Security's Proposal to Improve the Disability Process, 1 p.m., 1100 Longworth.

*Permanent Select Committee on Intelligence*, September 29, to mark up H.R. 10, 9/11 Recommendations Implementation Act, 1:30 p.m., 2175 Rayburn.

*Select Committee on Homeland Security*, September 29, Subcommittee on Emergency Preparedness and Response, hearing entitled "The National Incident Management System: Enhancing Response to Terrorist Attacks," 10 a.m., 210 Cannon.

September 30, Subcommittee on Infrastructure and Border Security and the Subcommittee on Intelligence and Counterterrorism, joint hearing entitled "Disrupting Terrorist Travel: Safeguarding America's Borders Through Information Sharing," 1 p.m., 210 Cannon.

## Next Meeting of the SENATE

1 p.m., Monday, September 27

## Next Meeting of the HOUSE OF REPRESENTATIVES

12:30 p.m., Tuesday, September 28

## Senate Chamber

**Program for Monday:** After the transaction of any morning business (not to extend beyond 2 p.m.), Senate will begin consideration of S. 2845, National Intelligence Reform Act.

## House Chamber

**Program for Tuesday:** To be announced.

## Extensions of Remarks, as inserted in this issue

## HOUSE

Baird, Brian, Wash., E1701  
 Baldwin, Tammy, Wisc., E1707  
 Berry, Marion, Ark., E1698  
 Bishop, Rob, Utah, E1697  
 Blumenauer, Earl, Ore., E1696  
 Bordallo, Madeleine Z., Guam, E1710  
 Brown-Waite, Ginny, Fla., E1705  
 Burgess, Michael C., Tex., E1692, E1694  
 Crenshaw, Ander, Fla., E1700  
 DeFazio, Peter A., Ore., E1709  
 DeGette, Diana, Colo., E1711  
 DeLauro, Rosa L., Conn., E1696  
 Diaz-Balart, Lincoln, Fla., E1692, E1694  
 Dingell, John D., Mich., E1701  
 Emanuel, Rahm, Ill., E1691, E1693, E1695  
 Evans, Lane, Ill., E1698  
 Frelinghuysen, Rodney P., N.J., E1702  
 Gerlach, Jim, Pa., E1691, E1692  
 Gibbons, Jim, Nev., E1701

Gonzalez, Charles A., Tex., E1699  
 Graves, Sam, Mo., E1693, E1694, E1712  
 Gutierrez, Luis V., Ill., E1707  
 Hayes, Robin, N.C., E1703  
 Herseth, Stephanie, S.D., E1701  
 Hinojosa, Rubén, Tex., E1695  
 Holden, Tim, Pa., E1700  
 Jackson-Lee, Sheila, Tex., E1711  
 Kaptur, Marcy, Ohio, E1705  
 Kind, Ron, Wisc., E1708  
 Lampson, Nick, Tex., E1691, E1693, E1695  
 Langevin, James R., R.I., E1703  
 Larson, John B., Conn., E1707  
 Levin, Sander M., Mich., E1696  
 Lewis, Jerry, Calif., E1700  
 Lewis, Ron, Ky., E1706  
 McInnis, Scott, Colo., E1704, E1704, E1705, E1706,  
 E1707, E1707, E1708, E1709, E1709, E1710  
 Maloney, Carolyn B., N.Y., E1706  
 Meehan, Martin T., Mass., E1704  
 Menendez, Robert, N.J., E1698, E1704

Michaud, Michael H., Me., E1708  
 Millender-McDonald, Juanita, Calif., E1701  
 Miller, Brad, N.C., E1697  
 Moran, James P., Va., E1692, E1694  
 Murphy, Tim, Pa., E1703, E1709  
 Osborne, Tom, NE, E1703  
 Pallone, Frank, Jr., N.J., E1699  
 Porter, Jon C., Nev., E1702  
 Portman, Rob, Ohio, E1710  
 Regula, Ralph, Ohio, E1692, E1694  
 Rodriguez, Ciro D., Tex., E1710  
 Rush, Bobby L., Ill., E1700  
 Ryan, Paul, Wisc., E1697  
 Smith, Christopher H., N.J., E1712  
 Smith, Nick, Mich., E1708  
 Tancredo, Thomas G., Colo., E1712  
 Towns, Edolphus, N.Y., E1703  
 Udall, Mark, Colo., E1691, E1693  
 Visclosky, Peter J., Ind., E1696



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